

6-18-1886

# Testimony taken by a Sub-Committee of the Committee on Indian Affairs of the United States in Relation to the Condition of the Indian Tribes in the Indian Territory, and Upon Other Reservations, Part 3.

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IN THE SENATE OF THE UNITED STATES.

JUNE 18, 1886.—Ordered to be printed.

Mr. HARRISON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany Senate resolutions of June 11 and December 3, 1884, and February 23, 1885.]

*The Committee on Indian Affairs, which was directed by the Senate, under resolutions adopted June 11 and December 3, 1884, and February 23, 1885, to inquire into the condition of the Indians in the Indian Territory and other reservations, &c., has attended to that duty, and reports in part as follows:*

The following resolutions of the Senate charged the Committee on Indian Affairs to make certain inquiries and to report the results to the Senate:

*Resolution of June 11, 1884.*

*Resolved*, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the several tribes and bands of Indians in the Indian Territory, the tenure by which the lands in the several reservations in said Territory are now held, and the character of their actual occupation and use, the condition and rights of the freedmen among said Indians, and the relation of said tribes to the United States and to each other, and the need, if any, of legislation in respect to the same; and for that purpose shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer, and sit during the recess of the Senate at such times and places as the committee may determine; and shall report their proceedings and any recommendations they may see fit to make to the Senate at its next session; and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of the said committee, out of the contingent fund of the Senate.

*Resolution of December 3, 1884.*

*Resolved*, That the Committee on Indian Affairs be instructed to inquire what leases of lands in the Indian Territory or Indian reservations for grazing and other purposes have been made by the tribes of Indians therein, the number of acres embraced by each of said leases, the terms thereof, and the persons, corporations, or associations named therein as lessees. Also, that the committee inquire as to the circumstances under which said leases were made, and the means used for obtaining the same, and whether said leases are authorized by existing legislation, or are conducive to the welfare of the Indians in said Territory or Indian reservations.

That the committee have power to send for persons and papers, and employ a stenographer, and report by bill or otherwise, and that the actual and necessary expenses of said investigation be paid on the approval of the chairman of said committee, out of the contingent fund of the Senate.

*Resolution of February 23, 1885.*

*Resolved*, That the Committee on Indian Affairs be authorized to continue during the recess the investigation authorized by the resolutions of the Senate of June 11, and of December 3, 1884, in the manner and to the extent, and with the same authority contained in said resolutions, and with the further authority to inquire what changes, if any, are necessary and proper in the boundary lines of any of the reservations therein described; and that they report the result of such examinations to the next regular session of Congress.

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The duty of inquiring into certain existing troubles at the Crow Creek and Winnebago Reservation in Dakota Territory, and the Crow Reservation in Montana, was assigned to a subcommittee consisting of Senators Harrison, Ingalls, and Jones, of Arkansas. This subcommittee assembled at the Grand Pacific Hotel in Chicago, Ill., on the 13th day of July, 1885, and started the next day for the city of Pierre, situated upon the Missouri River, just on the north line of the Crow Creek and Winnebago Reservation. Here two days were spent in taking the evidence of thirteen witnesses, chiefly from among the settlers who had taken up claims upon the reservation. The committee then took carriages and drove to the agency at Fort Thompson, where one day was spent in holding a council with the Indians and in taking the evidence of the agent, Major Gassman and other witnesses. From this point the committee proceeded to the city of Chamberlain, which is upon the south line of the reservation and only separated from it by the American Creek. Here one day was spent in taking evidence and in giving a public hearing to representatives of the settlers. From this point the committee went to Saint Paul, Minn., where the testimony of General Sanborn was taken. All of this evidence is submitted with this report.

#### THE CROW CREEK AND WINNEBAGO RESERVATION

lies upon the east bank of the Missouri River, and contains 640,000 acres. There are about 1,050 Indians drawing rations upon this reservation. They are chiefly Yanktonais Sioux, but there are also Indians of the Yankton, Santee, Teton, and Brulé bands.

The trouble at this reservation grew out of an Executive order issued upon the 27th day of February, 1885, by President Arthur, which was as follows:

EXECUTIVE MANSION, *February 27, 1885.*

It is hereby ordered that all that tract of country in the Territory of Dakota, known as the old Winnebago Reservation, and the Sioux or Crow Creek Reservation, and lying on the east bank of the Missouri River, set apart and reserved by Executive order, dated January 11, 1875, and which is not covered by the Executive Order dated August 9, 1879, restoring certain of the lands reserved by the order of January 11, 1875, except the following-described tracts: Townships 108 north, range 71 west, 108 north, range 72 west, fractional township 108 north, range 73 west, the west half of section 4, sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, of township 107 north, range 70 west, fractional townships 107 north, range 71 west, 107 north, range 72 west, 107 north, range 73 west, the west half of township 106 north, range 70 west, and fractional township 106 north, range 71 west; and except also all tracts within the limits of the aforesaid Old Winnebago Reservation, and the Sioux or Crow Creek Reservation, which are outside the limits of the above-described tracts, and which may have heretofore been allotted to the Indians residing upon said reservation, or which may have heretofore been selected or occupied by the said Indians under and in accordance with the provisions of article six of the treaty with the Sioux Indians of April 29, 1868, be, and the same is hereby, restored to the public domain.

CHESTER A. ARTHUR.

Under the permission given by this order many hundreds of white settlers rushed in upon the old reservation, took up claims under the land laws, and began improvements. Afterwards the question of the legal status of the reservation having been again brought to the attention of the Interior Department, the Secretary submitted the question to the Department of Justice in the following letter:

DEPARTMENT OF THE INTERIOR,  
*Washington, March 17, 1885.*

SIR: I have the honor to present, for your consideration, the following facts regarding the status of certain lands in the Territory of Dakota, and to request your opinion on the questions hereinafter submitted.

The act of February 21, 1863, authorized the President to set apart a tract of un-

occupied land beyond the limits of any State for the Winnebago Indians. (12 Stat., 658.)

The act of March 3, 1863, gave similar authority regarding the Sisseton, Wahpeton, and other bands of Sioux Indians. (*Ibid.*, 819.)

Under and in pursuance of the provisions of these laws, a superintendent of the Indian service, under direction of the Commissioner of Indian Affairs, did select on the east side of the Missouri River, in Dakota Territory, two tracts of land, and did locate the said Indians thereon. The two tracts of land selected are more particularly described in Exhibits A and B, herewith.

The lands selected were unoccupied lands, being within the boundaries of the territory ceded to the United States by the "Yankton tribe of Sioux or Dakota Indians," by treaty ratified February 26, 1859 (11 Stat., 743), and payment made therefor.

The tracts of lands selected were not reported to the President for his approval, and no Executive orders were issued setting apart said lands under the laws referred to for the Indians therein designated.

The Winnebago Indians remained upon the tract selected for them until 1865. It was found unsuitable, and they, by treaty of March 8, 1865, ceded all their right, title, and interest therein to the United States, the consideration being a reservation in the Territory of Nebraska and certain money payments. (14 Stat., 671.)

The Sioux Indians designated in the act of March 3, 1863, remained upon the tract selected for them until 1866; that tract having also been found and reported as unsuitable, it was abandoned, and so reported by the Indian Bureau, and the Indians removed to another tract selected and set apart for them in the Territory of Nebraska by Executive order of February 27, 1866. (See Exhibit C.) The records of the Department refer to the act of March 5, 1863, as the authority of law for the creation of the latter reservation, as no subsequent legislation has been enacted authorizing its establishment. This is known as the Old Crow Creek Reservation.

By Executive order dated January 11, 1875, a large tract of land on the east side of the Missouri River was set apart for the use of the several tribes of Sioux Indians as an addition to their then existing reservation, as defined by the treaty of 1868. (See Exhibit D.) The lands described in this Executive order embrace the two tracts first selected under the laws of February 21 and March 5, 1863, for the Indians therein designated.

By Executive order of August 9, 1879, the lands withdrawn from sale and set apart for the use of the Sioux Indians by said Executive order of January 11, 1875, and also certain other lands withdrawn and set apart for the same purpose by Executive orders of March 16 and May 20, 1875, were restored to the public domain, except the lands embraced within the tracts originally selected for the Winnebago and Sioux Indians under the laws of February 21 and March 3, 1863. (See Exhibit E.)

The status of those portions of said lands not restored to the public domain by Executive order of August 9, 1879, remained unchanged until February 27, 1885, when President Arthur issued his order restoring certain portions thereof to the public domain, leaving certain designated townships and parts of townships still in reservation, and excepting from the operation of the order all lands that had been allotted to settlers [settled on] or occupied by Indians. (See Exhibit F.) The reports, briefs, and arguments which were before the Department, and upon which the last-named Executive order was based, are inclosed herewith.

In view of these facts, I have the honor to request your opinion on the following questions:

(1) Whether the lands comprising the two tracts, or either of them, first selected for the Indians and as described in Exhibits A and B, were at the date of the treaty of April 29, 1868, with the Sioux Indians, in a state of reservation and "existing reservations" within the meaning and intent of Article II of said treaty? (15 Stat., 635.)

(2) Whether it was within the power and authority of the Executive to restore to the public domain those parts of the lands in question sought to be thus affected by the Executive order of February 27, 1885?

As this matter is of great and pressing public interest, I will thank you to give it early consideration and favor me with your opinion on the questions presented.

The return of the accompanying papers is respectfully requested.

Very respectfully,

L. Q. C. LAMAR,  
Secretary.

The Hon. the ATTORNEY-GENERAL.

The answer of the Attorney-General was as follows:

DEPARTMENT OF JUSTICE,  
Washington, March 30, 1885.

SIR: Your communication of the 17th of March, instant, requests my opinion as to whether those contiguous tracts of land lying on the east bank of the Missouri River, in the Territory of Dakota, and designated the *old Winnebago and Crow Creek Reser-*



tions, and sometimes going by the last name only, are embraced by the treaty concluded with various bands of the Sioux Indians on the 29th of April, 1868 (15 Stat., 635), and whether the Executive order of the 27th of February, 1865, restored the lands in question to the public domain.

In replying to the first question, as to whether the lands referred to come within the treaty of 1863, it will be necessary to give particular attention to their condition prior to and at the time of the conclusion of the treaty.

By an act passed on the 21st of February, 1863 (12 Stat., 658), the President was authorized to remove the Winnebago Indians from the State of Minnesota and settle them upon such unoccupied lands, beyond the limits of any State, as he might assign and set apart for them, in conformity to the law.

On the 3d of March, 1863 (12 Stat., 819), a similar law was passed, authorizing and directing the President to assign and set apart for the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands of Sioux Indians a tract of unoccupied land outside the limits of any State, in the manner required by the law.

In furtherance of these acts, Clark W. Thompson, a superintendent of the Indian service, proceeded, by direction of the Commissioner of Indian Affairs, to lay off two adjoining tracts or reservations of the public domain on the east bank of the Missouri River, in the Territory of Dakota, and on the 1st of July, 1863, he reported to the Commissioner that he had completed the surveys, and transmitted the plats and field-notes with his report. The Winnebagoes were settled on the upper tract or reservation and the Sioux on the lower, but no Executive order was made setting the lands apart for the use and occupation of these Indians.

The Winnebagoes remained on their reservation until 1865, when, by a treaty dated the 8th of March of that year (14 Stat., 671) they ceded, sold, and conveyed to the United States "all their right, title, and interest in and to their present reservation in the Territory of Dakota, at Usher's Landing, on the Missouri River, the metes and bounds whereof being on file in the Indian Department." After this treaty the Winnebagoes removed to their new reservation in Nebraska.

In 1866 the Sioux were also removed to a new reservation in Nebraska set apart for them by an Executive order dated the 27th of February, 1866, and founded on the act of the 3d of March, 1863 (*supra*), but without any cession or formal relinquishment.

After the removal of the Winnebagoes and Sioux, wandering bands of Sioux belonging to the Yanctonnais, Two Kettle and Brulé tribes entered and took possession of the abandoned reservations, and have remained on them up to the present time, although their original entry was without the sanction of Government. Nevertheless, the two reservations have not to this day, as matter of fact, become merged in the public domain, but have been continuously known, since the removal of the Indians for whom they were set apart, as the *old Winnebago and Crow Creek Reservations*, or simply as the *Crow Creek Reservation*. This will be at once apparent by reference to the maps prepared from time to time under the direction of the Commissioner of Indian Affairs, and by the reports of that officer. They are so laid down on the map accompanying the Commissioner's report for the year 1884, entitled "Map showing the location of the Indian reservations within the limits of the United States and Territories, compiled from official and other authentic sources under the direction of the Hon. Hiram Price, Commissioner of Indian Affairs." Indeed, this is conceded in all the discussions of the subject that have been brought to my attention.

In this condition of things the United States and various tribes of the Sioux Nation came together and concluded a treaty on the 29th of April, 1868.

By the second article of this treaty, "the United States agrees that the following district of country, to wit, viz: Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto all existing reservations on the east bank of said river shall be, and the same is (*sic*) hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them. \* \* \* (15 Stat., 635.)

A reference to the treaty will show that the tribes or bands to which the Indians belonged, or had belonged, who entered and occupied the abandoned reservations were parties to the treaty, and it may have been, and very probably was, the case that the occupants of these reservations were represented in the negotiations, if they were not parties to the treaty, otherwise than by the chiefs of the tribes from which they had wandered. But whether that be the case or not, they have certainly remained where they are with the consent of the United States and the tribes of the Sioux with whom the treaty was made.

The questions submitted for opinion turn upon the interpretation of these words of the second article of the treaty, that is to say: "And in addition thereto, all existing reservations on the east bank of the river shall be, and the same is (*sic*), set apart for the absolute and undisturbed use of the Indians herein named." \* \* \*

If the lands known as the Old Winnebago and Crow Creek reservations answered to the description of "existing reservations on the east bank of the river" at the time the treaty was entered into, they are protected by it, and the Executive order of the 27th of February, 1885, restoring certain portions thereof to the public domain, is wholly inoperative and void, being in violation of the treaty.

But it is urged in support of the order restoring the lands in question to the public domain that they were not originally set apart and dedicated as reservations by an Executive order in the customary way, and therefore, that at the time the treaty of 1868 was made they did not answer to the description of reservations in the legal technical sense, and, consequently, did not come under the protection of the treaty.

I shall not stop to consider whether the laying off of these two bodies of lands by direction of the Commissioner of Indian Affairs and the removal of the Indians to them were equivalent to a formal Executive order, because I find that by the third and fourth articles of the treaty between the United States and the Sisseton and Wahpeton bands of the Sioux Indians of the 19th of February, 1867 (15 Stat., 505), reservations are set apart for certain members of the said bands "who were not sent to the Crow Creek Reservation." In proclaiming this treaty, thus excepting from its operation members of the tribes who were parties to it, on the ground that they had been already provided with a settlement on the Crow Creek Reservation, the Executive necessarily recognized and adopted all that had been done towards establishing the reservations now in question, which, it may be proper to say, are, since the removal from them of the Indians for whom they were originally laid off, sometimes regarded as one reservation, and called simply the Crow Creek Reservation, there being no longer any reason for keeping up the old division. Whatever, therefore, was needed to complete the dedication attempted under the acts of 1863 would seem to have been supplied by the Executive in concluding and proclaiming this treaty.

It will be observed that this action of the Executive was subsequent to the removal of the Winnebago and Sioux and the cession of the former, by treaty, of their interest in the lands which, it is argued, had the effect of restoring them to the national domain.

At the time of the treaty, then, the lands in question had been validly appropriated as Indian reservations, and, being on the east bank of the Missouri River, fell within the treaty, and were protected by it from the power of the Executive to throw open lands to entry.

But supposing I am wrong in this view, and that the lands had never been legally appropriated as reservations at the time of the treaty of 1868, I am still of opinion that they are covered by the treaty.

It must be regarded as a well-settled principle, in interpreting statutes that, if possible, "no clause, sentence, or word shall be superfluous, void or insignificant," and I see no reason why this principle is not as applicable to treaties as statutes.

Now if the argument in support of the Executive order of February, 1885, is sound, the treaty of 1868, in so far as it professes to secure lands to the Sioux on the east bank of the Missouri, is made to have no effect or operation whatever, because there is no land so situated which answers to the description used in the treaty, and the eminent and intelligent gentlemen who represented the Government in concluding the treaty are placed in the somewhat embarrassing position of having offered to the Indians reservations on the east bank of the river, when there were none there, for it is a fact that, if the lands in question were not reservations there was no reservation on the east bank of the river except the Yankton Reservation which, however, could not, possibly, have been in contemplation, because it was established by a previous treaty made in 1859 with the Yanktons, who were not parties to the treaty of 1868, and could not therefore be affected by it.

If, then, it be true that these lands were not technical reservations at the time of the treaty of 1868, it is obvious the contracting parties must have used the term reservation in some secondary sense, and when we see that there has been an uninterrupted practical appropriation of the lands as Indian reservations from 1863 down to the promulgation of the Executive order of February, 1885, and that, as already said, they are so described in the map of Indian reservations accompanying the Indian Commissioner's report submitted to the last Congress by the Secretary of the Interior, we cannot for a moment be at a loss as to what that sense was.

Nothing would seem to be better established in reason or authority than that when the expounder of a statute or other instrument is satisfied that a term occurring in it is not to be taken in its normal or technical acceptance, but in some other, it becomes his duty to give it the sense in which it appears to have been used. So, here, if the lands in question are found not to be reservations in a strict legal sense, but to have been understood to be such, generally, and even by the Government itself, surely

the grant, which would otherwise fail in this particular, must be held to refer to such lands as were reputed to be reservations.

The words of description used in the treaty are, when so interpreted, amply sufficient to point out the portion of the public domain intended to be ceded, and the competency of the treaty making power to make the cession is not open to discussion, so that we have all the conditions necessary to a public grant.

To these considerations may be added that Indian treaties are not construed strictly, but liberally in favor of the Indians (2 Opin., 465, the Kansas Indians, 5 Wall., 737).

In conclusion I am of opinion that the lands in question are covered by the treaty of the 29th of April, 1868, and, consequently, that the Executive order of the 27th of February, 1885, is inoperative.

I have the honor to be, sir, yours, very respectfully,

A. H. GARLAND,  
*Attorney-General.*

The SECRETARY OF THE INTERIOR.

The President of the United States thereupon issued the following proclamation:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas, by an Executive order bearing date the 27th day of February, 1885, in was ordered that "all that tract of country in the Territory of Dakota known as the Old Winnebago Reservation, and the Sioux or Crow Creek Reservation, and lying on the east bank of the Missouri River, set apart and reserved by Executive order dated January 11, 1875, and which is not covered by the Executive order dated August 9, 1879, restoring certain of the lands reserved by the order of January 11, 1875, except the following-described tracts: Townships number 108 north range 71 west, 108 north range 72 west, fractional township 108 north, range 73 west, the west half of section 4, sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 23, 29, 30, 31, 32, and 33 of township 107 north range 70 west, fractional townships 107 north range 71 west, 107 north, range 72 west, 107 north range 73 west, the west half of township 106 north range 70 west, and fractional township 106 north range 71 west; and except also all tracts within the limits of the aforesaid Old Winnebago Reservation, and the Sioux or Crow Creek Reservation which are outside of the limits of the above described tracts, and which may have heretofore been allotted to the Indians residing upon said reservation, or which may have heretofore been selected or occupied by the said Indians under and in accordance with the provisions of article 6 of the treaty with the Sioux Indians, of April 29, 1868, be, and the same is hereby, restored to the public domain.

And whereas, upon the claim being made that said order is illegal and in violation of the plighted faith and obligations of the United States contained in sundry treaties heretofore entered into with the Indian tribes or bands, occupants of said reservation; and that the further execution of said order will not only occasion much distress and suffering to peaceable Indians but retard the work of their civilization, and engender amongst them a distrust of the National Government, I have determined, after a careful examination of the several treaties, acts of Congress, and other official data bearing on the subject, aided and assisted therein by the advice and opinion of the Attorney-General of the United States duly rendered in that behalf, that the lands so proposed to be restored to the public domain by said Executive order of February 27, 1885, are included as existing Indian reservations on the east bank of the Missouri River by the terms of the second article of the treaty with the Sioux Indians concluded April 29, 1868, and that consequently being treaty reservations the Executive was without lawful power to restore them to the public domain by said Executive order, which is therefore deemed and considered to be wholly inoperative and void.

And whereas, the laws of the United States provide for the removal of all persons residing or being found upon Indian lands and territory without permission expressly and legally obtained of the Interior Department:

Now, therefore, in order to maintain inviolate the solemn pledges and plighted faith of the Government as given in the treaties in question, and for the purpose of properly protecting the interests of the Indian tribes as well as of the United States in the premises, and to the end that no person or persons may be induced to enter upon said lands where they will not be allowed to remain without the permission of the authority aforesaid, I, Grover Cleveland, President of the United States, do hereby declare and proclaim the said Executive order of February 27, 1885, to be in contravention of the treaty obligations of the United States with the Sioux tribe of Indians, and therefore to be inoperative and of no effect; and I further declare that the

lands intended to be embraced therein are existing Indian reservations, and as such available for Indian purposes alone and subject to the Indian intercourse acts of the United States. I do further warn and admonish all and every person or persons now in the occupation of said lands under color of said Executive order, and all such person or persons as are intending or preparing to enter and settle upon the same thereunder, that they will neither be permitted to remain or enter upon said lands, and such persons as are already there are hereby required to vacate and remove therefrom with their effects within sixty (60) days from the date hereof; and in case a due regard for, and voluntary obedience to the laws and treaties of the United States, and this admonition and warning be not sufficient to effect the purpose and intentions as herein declared, all the power of the Government will be employed to carry into proper execution the treaties and laws of the United States herein referred to.

In testimony thereof, I hereunto set my hand and cause the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of April, one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.]

GROVER CLEVELAND.

By the President:

T. F. BAYARD,

*Secretary of State.*

The effect of this order was to create great consternation among the settlers, and its enforcement necessarily involved great hardship. The object of the committee was to ascertain the actual condition of things upon the reservation, and in the event that it was found that the settlers who had gone upon the reservation in good faith could not complete their entries, then to devise and suggest some method of fairly compensating them for their losses.

The question whether this reservation had a treaty origin is not free from difficulty. The treaty of 1868 with the Sioux Nation contained the following:

ARTICLE II. The United States agrees that the following district of country, to wit, viz: Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river; thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich; thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning. *And in addition thereto all existing reservations on the east bank of said river shall be, and the same is set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.*

The phrase, "and in addition thereto all existing reservations on the east bank of said river," it is claimed, refers to and embraces the old Crow Creek and Winnebago Reservation; and the committee, after a careful examination, are of that opinion. It is certain that until the issuing of the Executive order of February 27, 1885, above referred to, this territory had been treated by the Department of the Interior as a part of the Great Sioux Reservation established by the treaty of 1868. Allotments had been made from time to time of these lands under the provisions of that treaty. The allotment certificates furnished by the Interior Department expressly referred to the treaty of April 29, 1868,



and such of these as had been used were signed by the Secretary of the Interior.

The following, taken from the records of the agency, will show how the Department had regarded this reservation:

CERTIFICATE OF INDIAN AGENT.

CROW CREEK AGENCY, DAKOTA, *September 30, 1881.*

I hereby certify that the foregoing schedule of allotments of land were selected, in my presence and with my assistance, by the members of the Yanktonai tribe of Sioux Indians residing upon the Crow Creek Indian Reservation, in Dakota, under official instructions bearing date January 6, 1881, and in pursuance of the provisions of the sixth article of the treaty of April 29, 1868.

WILLIAM E. DOUGHERTY,  
*Captain First Infantry, Acting Indian Agent.*

INDORSEMENT OF COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 9, 1882.*

The foregoing schedules, comprising a list of the selections of land from No. 144 to 239, both inclusive, made by the members of the Yanktonai tribe of Sioux Indians residing at the Crow Creek Indian Reservation in Dakota Territory, assisted by Acting Agent Dougherty, under instructions from this office, bearing date June 12, 1880, is respectfully submitted with the recommendation that the same be approved and that authority be given to issue certificates to each allottee for the lands selected by him or her, respectively, as provided in the sixth article of the treaty of April 29, 1868 (15 Stats., 635).

H. PRICE,  
*Commissioner.*

APPROVAL OF SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., January 17, 1882.*

The foregoing schedule of selections, from No. 144 to 239, both inclusive, is hereby approved, and the Commissioner of Indian Affairs will cause a certificate to be issued to each allottee for the lands selected by him or her, respectively, as provided in the sixth article of the treaty of April 29, 1868.

S. J. KIRKWOOD,  
*Secretary.*

Two hundred and thirty-nine allotments have been made, and each allottee has in his possession a certificate stating upon its face that these lands were embraced in the treaty of 1868.

General John B. Sanborn, who was a member of the commission on the part of the United States that negotiated the treaty, and who for some time acted as president of the commission, was examined by the committee and upon this point testifies as follows:

Q. You reside at Saint Paul?—A. I do.

Q. State whether you were one of the commissioners on the part of the Government that negotiated the treaty of 1868, with the Indians at Fort Rice and Fort Laramie?—A. I was.

Q. State whether the whole commission were together at Fort Rice or only a portion of the members?—A. Only a portion.

Q. State, if you recollect, which of the commissioners were there?—A. General William S. Harney, General Alfred H. Terry, and myself, were the commissioners present at Fort Rice at the time the Indians chiefs and headmen signed the treaty there.

Q. State whether you were acting as president of that section or subdivision of the commission that was there at Fort Rice?—A. I was. I will state that in the absence of Mr. M. B. Taylor, the Commissioner of Indian Affairs, who was president of the commission, I had all the time acted as president *pro tempore*.



Q. State whether or not the words—I do not quote them exactly but in substance—"including all existing reservations on the east bank of the Missouri River," were in the original draft of the treaty, and if not, when and by whom were they inserted?—A. They were not in the treaty as it was drafted and executed by the chiefs and headmen of the Ogalallas and so many of the Minneconjous as signed the treaty at Fort Laramie. The words were inserted in the treaty at Fort Rice by the commissioners representing the Government there.

Q. Please state your recollection of the circumstances under which those words came to be inserted in the treaty.—A. I will state as briefly as I can. The questions that arose between the commissioners and the representatives of the various bands of Sioux Indians represented at Fort Rice were very complex and difficult of solution. Among others which were difficult to adjust was the attempt to remove all the bands of Sioux which inhabited in the vicinity of, and on the east side of the Missouri River to the west side. It was the desire of the Government, expressed in our instructions, that those Indians should be removed to the west side of the river, and I am not certain but what it was referred to in the act of Congress under which we were acting. I do not remember the precise terms of the act. Among other Indians that were adverse to such a removal was the Yanktonai band, represented at the council by their chief Two Bears, and a large number of friendly Indians that inhabited a tract of country near the mouth of the Cheyenne, if I recollect right, represented by a chief named Long Mandan, and a chief whose name I have forgotten represented the Two Kettle Indians, a sub-band of the Brulé band of Indians, who were living upon this Crow Creek Reservation. All of these chiefs demanded that, for the time being, at any rate, they be permitted to remain on the east bank of the Missouri River, because they were friendly, and if removed to the west side of the river they would be involved in wars then being carried on by the Sioux west of the river. They also said they had never lived on the west side of the river, and were opposed to going. Two Bears, representing the Yanktonais, insisted very strongly that he should have a reservation on the east bank of the river, as I recollect it, near the mouth of the Cannon Ball River, or Grand River Agency, as afterwards termed. At the same time the Indian agent, Hanson, who was stationed at the Crow Creek Reservation, and issued the supplies to the Two Kettle Indians and to such of the friendly Sioux as were across the river and would come over and receive supplies, stated that there was a doubt expressed down there among the whites as to whether that was a legal Indian reservation, and he could not keep the whites off the reservation, and was constantly annoyed with their attempts to sell liquor to the Indians, which he could not prevent in the shape things were.

I think he stated that he had recommended the Government to abandon the agency at Crow Creek and remove it somewhere else. He had the Government supplies and Government storehouse there. We visited him on our way up the river, took him on board, and he was at Fort Rice at this time. The result of all this controversy was, the Indians still insisting that they must not be required to go over the river at once, that we yielded so far as not to abrogate any treaty rights they had on the east side of the Missouri River as to reservations or anything else, and they were to yield to the Government all their hunting ground, their rights to rations and to hunt, and if they had treaty rights on the east bank of the river, their rights, so far as this treaty was concerned, should be reserved until Congress or the proper department of the Government should decide otherwise. That in my mind at the time included the Yankton Reservation and this Crow Creek Reservation, although it was set off originally, part of it for the Winnebagoes and part of it for the Santees. I think that was the reason it was not called the Sioux Reservation. I recollect distinctly that the term to be used was a matter of a good deal of deliberation and discussion by the three commissioners there. I suggested at one time the words, "all Indian reservations on the east bank of the river," and I think General Terry said that would be too broad; that it extended a reservation of Indians we had nothing to do with and we could not affect them. My recollection is that the words adopted and the words afterwards inserted in the treaty were formulated by him, viz: "All existing reservations on the east bank of the river."

Q. What reservations were there on the east bank of the river?—A. There were none except the Crow Creek Reservation and the Yankton Reservation abutting on the river. Long Mandan thought he was entitled to so no rights at the point he was living, above Fort Sully, but was willing to take a reservation at the mouth of the Cheyenne, on the west bank. There was in fact, as the commissioners understood it, no Indian reservation at the point where he was living with his people.

Q. I understand you to say that Mr. Hanson, the Indian agent, desired the insertion of some such words as were finally used to protect himself at Crow Creek Agency.—A. Yes, sir; those words were inserted at his request according to my best recollection, but in any event it was our purpose to extend the trade and intercourse laws over the Crow Creek Reservation.

Q. And that you supposed you were doing by the use of those words in this treaty

which you have spoken of?—A. I did. After a careful consideration of some length of time by the commissioners as to the precise words that should be used, the abandonment of some and adoption of others, these words were at last adopted.

Q. Agent Hanson suggested, as I understand you, that the trouble he anticipated or was having at Crow Creek grew out of the fact that some of the settlers challenged in some way the legality of the title of the Indians?—A. Yes, sir; although it was a reservation *de facto* they doubted whether it had been legally set apart so as to sever the land from the main body of the public domain.

Q. And your purpose was to settle that?—A. Yes, sir; until such a time as Congress should deem proper to modify it. I stated to the Indians specifically what our intentions were and the desire of the Government that they should all go west of the river. I stated that to the Yanktons, who were represented by an old Indian called Strike the Rea, as sagacious a chief as I ever saw, and they were perfectly persistent upon remaining where they were, east of the river, and would not yield a point. The band did not sign the treaty as I recollect it. The Yanktons were not a party to the treaty.

Q. What band was that?—A. The Yankton band, on the reservation opposite Fort Randall, and on the east side of the river now.

\* \* \* \* \*

By Mr. JONES:

Q. You are clear in your mind now that what are called the Winnebago and Crow Creek Reservations, lying there together east of the Missouri River, were intended to be included in the treaty by the commissioners in the words, "all existing reservations on the east bank of said river"?—A. I have taxed my memory to the utmost on that point and I can come to no other conclusion. My recollection is very distinct that they were the reservations, and the only reservations meant to be covered by those words.

Q. You are positive that Agent Hanson then resided at, and was in charge of, the post at Fort Thompson?—A. Yes, sir; and the Government had a large amount of supplies there, and issued supplies to the Indians from that point. It was occupied by the United States, and I am informed has been from that day to this, which was contrary to our expectation. I might say we expected it to be abandoned in a few years.

Major Hanson, who was the agent at Crow Creek in 1868, and to whom General Sanborn refers in his evidence, in a letter to Mr. S. D. Hinman (Appendix, p. 220), seems to admit that he suggested to the commission that the Crow Creek Reservation, upon which his buildings were situated, should be so mentioned in the treaty as to protect the agent from the intrusion of white settlers. It is difficult to understand how this was possible, except by including that reservation within the treaty limits.

We do not think the prior history of this reservation is very important. If the territory had never been used as a reservation it was part of the public domain, and the commissioners could properly, by apt terms, have included it within the treaty limits. Such terms we think were used. A letter of General Sherman, one of the commissioners who negotiated the treaty of 1868, and certain letters and briefs from the files of the Interior Department bearing upon this subject, will be found in the Appendix.

The committee are of the opinion that the reservation is much larger than is needed or can be wisely used by the Indians residing thereon, but if the lands were covenanted by a treaty to them, we cannot repossess them without the consent of the Indians. We believe it is entirely practicable to procure the consent of the Indians to a reasonable reduction of the reservation as well as of the greater one lying west of the Missouri River. An attempt in that direction has already been inaugurated and the necessary legislation has been passed by the Senate.

But the committee believe that the settlers who went upon the lands thrown open to settlement by the executive order of February 27, 1885, and in good faith made settlement thereon, are entitled to be protected as fully as possible from the consequences of this unfortunate complica-

tion. This has been attempted by amendments proposed at our suggestion to what is known as the "Dawes bill," and adopted by the Senate. The provisions of that bill relating to this subject are as follows:

SEC. 22. That all persons who, between the twenty-seventh day of February, eighteen hundred and eighty-five, and the seventeenth day of April, eighteen hundred and eighty-five, in good faith, entered or settled upon any part of the Great Sioux Reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago Reservation, which by the President's proclamation of date February twenty-seventh, eighteen hundred and eighty-five, was declared to be open to settlement, and not included in the new reservation established by section six of this act, or covered by the provisions of section sixteen of this act, and who, being legally entitled to make such entries or settlements, located thereon homestead, pre-emption, or town-site claims, by actual settlement and improvement on said lands as required under the law under which he entered or settled, shall, for a period of ninety days after the proclamation of the President required to be made by section twenty-four of this act, have a right to re-enter upon said claims and procure title thereto under the provisions of section twenty of this act, and complete the same as required therein, and their said claims shall for such time have a preference over later entries; and when they shall have in other respects shown themselves entitled and shall have complied with the law regulating such entries, and, as to homesteads, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases. The price to be paid for town-site entries shall be such as is required by law in other cases, and shall be paid into the general fund provided for by this act.

SEC. 23. That the President shall appoint a special agent who shall, as soon as practicable, under the direction of the Secretary of the Interior, make inquiry and report to the Secretary of the Interior upon the claims for losses of all persons who in good faith, between the twenty-seventh day of February, eighteen hundred and eighty-five, and the seventeenth day of April, eighteen hundred and eighty-five, settled upon and made claims, under the land laws of the United States, as specified in section twenty-two of this act, to any of the lands in said Crow Creek and Winnebago Reservation which by the proclamation of the President of February twenty-seventh, eighteen hundred and eighty-five, were declared to be open for settlement, and which are included in the reservation established by section six of this act. Said agent shall have power to cause witnesses to come before him at some point convenient to said reservation, and to administer oaths. He shall report what improvements were made by such persons, the value of the same, and all the facts connected therewith. And in case the consent of the Indians is not obtained as required by section twenty-four of this act, then the same inquiry and report shall be made as to all persons who made claims as aforesaid upon that part of said reservation which is not included in the new reservation established by section six of this act, and which was by said executive order of February twenty-seventh, eighteen hundred and eighty-five, declared to be open to settlement. The Secretary of the Interior shall transmit said report to Congress, with his recommendations thereon: *Provided, however,* That all persons entitled to damages for actual improvements under this section shall make and prove up said claims within three years after the passage of this act.

It is possible that this comes short of full restitution, but it was the best that could be done; and if the bill should become a law the most distressing cases will be relieved. The returns of the Dakota census taken as of June 1, 1885, which were furnished by Mr. Clinton B. Fisk, the supervisor, in connection with his testimony, probably furnish an approximately correct list of the settlers who were upon the reservation at that date.

The buildings erected by the settlers were for the most part very small and rude and of little value; but taken with the cost of moving and of breaking and planting, the expenditure represented a very serious loss to the settlers. The committee cannot justify the refusal of many of the settlers to remove from the reservation as required by the proclamation of President Cleveland. But it may be said further that they had become thoroughly imbued with the idea that the reservation was not a treaty reservation, and hence that their settlements were legal. It was claimed that they remained upon their settlements only for the purpose of testing in the courts their legal rights. It was also true in the case of some of them that they had expended all of their means, and had no

place to which they could go. Not all of the settlements were *bona fide*, but the committee could not take the time to try each case upon its own facts.

#### CROW RESERVATION IN MONTANA.

The committee proceeded from Saint Paul, by the Northern Pacific Railroad, to Custer Station, and by ambulance from the railroad to Fort Custer, 32 miles distant, arriving on Saturday afternoon, July 25. The commanding officer, Colonel Dudley, First Cavalry, had been advised by General Terry, commanding the department, of our coming, and the most ample and kindly provision was made by him and the other officers of the post to facilitate the transaction of our business and for our entertainment. The new agency of the Crows is located about 13 miles from the fort, upon the Little Big Horn River, very near to the Custer battle-field. It was removed to this location about a year before our visit, and the agency buildings were in an incomplete state. The reservation is situated on the southern boundary of Montana, and contains about 4,500,000 acres. The census of the tribe is probably not entirely accurate, but the number drawing rations was stated by Major Armstrong in his testimony to be 3,500. This gives 1,285 acres to each man, woman, and child. The game has entirely disappeared, and this large body of land does not as yet contribute in any very appreciable degree to the support of the Indians living upon it. It is capable of supporting in comfort a very large population. The valleys of the Yellowstone, the Big Horn, Little Big Horn, Pryor Creek, Clark's Fork, and other smaller streams offer fertile lands capable of producing large crops of small grains and every variety of vegetables. Irrigation is essential to safe agriculture, though we were shown at the agency very good growing crops of wheat and potatoes in fields that had not been irrigated. The company gardens at Fort Custer, which have been maintained since the establishment of that post, in the valley of the Little Big Horn, were examined by the committee. They are irrigated by the use of water-wheels, and produce large and sure crops of all the usual kitchen vegetables. The potatoes were very fine and the yield per acre very large. Wheat, oats, and barley in these valleys yield very largely. Nothing is wanting except the necessary implements, and the proper direction and encouragement to make the Crows entirely self-sustaining. Their chiefs declared that their people were ready to accept individual allotments and to enter upon the cultivation of their lands. They have been very inadequately supplied with agricultural implements and with that direction and help which is absolutely necessary in opening a farm. The Department has only begun the work of constructing irrigating ditches. In the valley of the Little Big Horn a ditch 8 miles long is nearly completed. It was estimated that it would irrigate 4,500 acres of land. In all 38 miles of ditches have been estimated for at a cost of \$58,000. It seems to be absurd that white labor should be used to construct these ditches when there are in the tribe, for whose benefit they are to be constructed, so many able-bodied Indians, and so many horses that might be made available for the work.

Mr. Armstrong, the agent, made the following statement as to the allotments that had been made:

By the CHAIRMAN:

Question. What disposition have the Crows shown in regard to taking up their allotments and cultivating them? They expressed themselves this morning as being very willing to do it. Has that been your observation?—Answer. Yes, sir; they are perfectly willing. We have had no difficulty in setting families down where we wanted



them, except Take Wrinkle's band below Fort Custer, and we can handle them as we did the others if we could have sufficient men so we could send a force down there to work with them.

Q. Have any of the Indians raised crops this year?—A. Yes, sir.

Q. State briefly what success they have had and what amount of work has been done by them.—A. This summer we have 165 separate parcels of land in cultivation, supposed to be 5-acre lots, 113 of which were broken last year and the rest this season. Only a few of these 5-acre lots are entirely planted, however (probably one-fourth of them), owing to the fact that we have not enough seed and not enough white farmers to see that the planting was properly done. If I could have had two more men all wed me for outdoor work this season I could have gotten five times as much work out of the Crow people. The 5-acre lots will average more than half in cultivation.

Q. You think if your force was increased until you got the Indians started at agriculture and got their houses built that the additional supply of men you speak of would only be needed for a short time?—A. Yes, sir; for two or three summers and only during the summer season. I would prefer not to have them during the winter season; but during the summer season the agent here should have at least twenty farmers.

The chief, TAKE WRINKLES, testified as follows:

By the CHAIRMAN:

Question. Where is your band located, and how many lodges have you?—Answer. Below Fort Custer, where those houses are.

Q. Where we saw those log-houses along the river?—A. Yes.

Q. How many houses have you there, and who built them?—A. There are thirty houses, and we built them with our arms.

Q. Has the Government given you any farming tools or any cattle?—A. They gave me some cattle, but not any tools.

Q. Has your band farmed any?—A. Five of them are farming and they all want to farm.

Q. Would they be willing to go on adjoining quarter sections of land where they are now located?—A. That is what we want to do. We want everything the white man has, so we can work.

Q. Then each one of your band would be willing to go on adjoining quarter sections of land and make farms if they had some help from the Government?—A. Yes.

Q. Do you think you would know how to use the water if the Government would build ditches for you?—A. I guess I would know.

Q. Has your band any plows or farming implements?—A. No.

Q. Have you any hoes?—A. None.

Q. Did the agent give you a wagon?—A. Yes, one.

Q. How do you cultivate your fields without any hoes or plows?—A. We have bought a few big hoes and work with them.

Q. What do you mean by big hoes—plows?—A. I have had some hoes in my camp for quite awhile, and we will buy some more next spring.

Q. (To the interpreter.) When he says he has hoes, does he understand what we do by that?

The INTERPRETER. Yes, sir.

Q. (To Takes Wrinkles.) Do I understand you to say that you have no plow in your band?—A. No.

But while so deficient in implements of labor the Crows are well supplied with the most costly and improved fire-arms.

Mr. Armstrong expressed the opinion that one-half of the Crows had Winchester rifles and the necessary ammunition. There is no game to be hunted and these arms ought to be taken and exchanged for the tools of peace.

The committee believe, as suggested by Agent Armstrong, that instead of paying \$30,000 per annum, as the treaty provides (for twenty-five years), it would be greatly better to increase the annual payment and shorten the period of payment. Enough ought to be given to suitably equip for farming at once every head of a family willing to take an allotment. It is true economy.

The reservation should be largely reduced, reserving for the Indians enough of the best valley lands for farming purposes, and enough of



the uplands for grazing to enable them to subsist their cattle and horses. These grazing lands might for the time be held in common. Nearly or quite two-thirds of the land embraced in the Crow Reservation is upland, unfit for agriculture, but well adapted for grazing. These lands are now practically unused, though capable of subsisting very many thousand head of cattle. The Indians are getting no benefit from these lands. Indeed, they only encourage a migratory habit, and so retard the work of settling the Indians upon farms. It is very clear that if the present lines of these large reservations are to be maintained, then some system of leasing that will bring in a revenue to the tribes ought to be inaugurated. The committee, however, believe that the wiser policy is to reduce the reservations to such limits as will enable the Indians to use what they retain and to vest the titles in individuals.

A lease was made by the Crows in October, 1884 to Messrs. Blake & Wilson of a tract of country containing between 2,500,000 and 3,000,000 acres, at an annual rental of \$30,000. The contract was made at a council of the tribe, and under the authority of a letter of the Acting Secretary of the Interior, dated August 11, 1883. The consideration was, in the opinion of the committee, very inadequate, and charges of fraud in the negotiation of it were made. It is enough to say that the Indians are incapable of the intelligent transaction of such business. They are easily persuaded to make a contract, and it is quite as easy to excite their discontent with it when it is made. If leases are to be allowed at all, the Department should have taken the entire supervision of the business. Only this can give security to the lessee, and at the same time secure the rights of the Indians and a just compensation for the use of the lands.

It was fortunate in this case that Messrs. Blake & Wilson, finding that there was dissatisfaction among the Indians, took no steps towards occupying the lands. The contract has been abandoned, and the committee do not think any further discussion of the circumstances connected with the making of the lease is necessary.

The committee do not now recommend any special legislation for reducing the reservation, for the reason that a bill looking to the appointment of a commission to take into consideration the whole subject as applied to all the reservations is now pending.

## APPENDIX.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, January 15, 1881.*

GENERAL: In the second article of the treaty of April 29, 1868, with the Sioux Indians (Stats. 15, p. 635), the United States "agrees that the following district of country, to wit, commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank opposite where the northern line of the State of Nebraska strikes the river, thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and, in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them."

When this treaty was concluded a portion of the Two-Kettle and Lower Yanktonais bands of Sioux Indians were occupying what is now known as Crow Creek Reservation, including the Old Winnebago Reservation.

In the fall of 1868 the Two-Kettle Indians removed, leaving the Yanktonais sole occupants.

A question has arisen as to whether the Old Winnebago Reservation and the Sioux Reservation south of it—designated on the map herewith—were intended by the commissioners on the part of the United States who concluded the treaty of April 29, 1868, to be embraced by the terms, "and in addition thereto all existing reservations on the east bank of said river."

The object of this letter is to request that you will advise this office as to what was your understanding of the matter, and whether any, and, if so, what assurances, so far as you may recollect, were given to the Indians in question as to their retention of the lands embraced in said reservation. An early reply will be appreciated.

Very respectfully, your obedient servant,

E. M. MARBLE,  
*Acting Commissioner.*

General W. T. SHERMAN,  
*Headquarters of the Army,  
Washington, D. C.*

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HEADQUARTERS ARMY OF THE UNITED STATES,  
*Washington, D. C., January 17, 1881.*

SIR: I beg to acknowledge receipt of your letter of January 15, and in answer to say that I was one of the seven commissioners who treated with the various families and tribes of Sioux in the years 1867-'68-'69, and that I, as such commissioner, signed the treaty of April 29, 1868, setting apart from the vast public domain the territory north of Nebraska, and west of the Missouri River, described in said treaty. We visited the Yanktonais and Two-Kettles at the old agency of Crow Creek at Fort Thompson below Fort Sully, and had a talk with them at Fort Sully. We also visited some of the same Indians at Burleigh's Agency on the east bank of the Missouri River lower down, with whom we conferred, and my recollection is that the commissioners impressed on all the Indians the great advantage to themselves to have a clearly well defined territory set apart for their use, and for the use of such other tribes as could live in harmony with them.

But Indians always change their location grudgingly, and, therefore, the clause confirming to them the then small reservations on the east bank of the river was inserted in the treaty. I think at that time we had before us a map furnished by the Indian Bureau (the Commissioner, Mr. Taylor, being president of commission) delineating the reservations in question, but my own preference and purpose were to treat these small reservations as temporary, to be given up as soon as the Indians could be induced to cross over and live on the west bank.

I think a journal of our proceedings was kept and returned to the Interior Department, which ought to embrace the proceedings at Fort Sully in October, 1867 (I think), which would contain contemporaneous evidence of the intention of the parties at that time.

Senator Henderson, also a member of that commission, drew up the report, which all the commissioners signed—a sort of compromise report, for the individual commissioners varied widely in opinion at the time. Nevertheless the treaty entitles the Sioux to compensation, when the paramount interest of the United States compels them to relinquish their reservations on the east bank of the Missouri River.

I have the honor to be your obedient servant,

W. T. SHERMAN.

*General.*

Hon. E. M. MARBLE,  
*Acting Commissioner Indian Affairs,  
Washington, D. C.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, April 12, 1881.*

SIR: Under departmental references dated 11th and 15th January and 28th February last, there were received at this office the inclosed communications relative to proposed negotiations with the Sioux Indians for the relinquishment of their rights to a portion of the Crow Creek Reservation in Dakota.

The first-named is a communication and inclosure from John H. King, esq., of Hampton, Franklin County, Iowa, whose high standing and reliability are attested by Hons. N. C. Deming, G. G. Bennett, Thomas Updegraff, and C. C. Carpenter, of the House of Representatives, setting forth in substance that that portion of said reservation lying south of Crow Creek is unoccupied, unused, and not needed by the Indians, who, as alleged, are located north of Crow Creek, with perhaps a few exceptional cases where the southern bank of that stream is occupied by a few Indian teepees, and asking for himself and others that steps be taken to negotiate with the Indians to procure from them a relinquishment of any claims they may have to the land for the purpose of having it opened to settlement under the public-land laws. Mr. King also applies to be appointed a commissioner, or otherwise authorized to secure said relinquishment.

The Departmental reference on this letter is for report on the status of said lands, and I have therefore the honor to report as follows:

What is now known as the Crow Creek Reservation embraces the old Winnebago reserve as well as the Sioux reserve adjoining, which were established simultaneously in 1863.

After the Sioux massacre of 1862, in Minnesota, a number of the Indians of that tribe were at Fort Snelling, Minn., under the surveillance of the military authorities, the question as to their disposal being under advisement.

The Winnebagoes occupied their reservation in Blue Earth County, Minnesota. They had taken no part in the Sioux outbreak, but it was made a pretext for their removal, which was demanded, and by act of Congress approved February 21, 1863 (Stats. 12, p. 658), the President of the United States was authorized "to assign to and set apart for the Winnebago Indians a tract of unoccupied land, beyond the limits of any State, in extent at least equal to their diminished reservation (in Minnesota), the same to be well adapted for agricultural purposes;" and the President was also authorized "to take such steps as he may deem proper to effect the peaceful and quiet removal of the said Indians from the State of Minnesota, and to settle them upon the lands which may be assigned to them under the provisions of this act."

Pursuant to this authority the Winnebagoes were removed in the spring of 1863, and at the same time the Sioux at Fort Snelling were removed to Dakota and assigned contiguous reservations on the east side of the Missouri River, at a place then called "Usher's Landing," afterward Fort Thompson, and now Crow Creek Agency.

The removal and location, under the direction of this office, were effected under the supervision of Clark W. Thompson, then Superintendent of Indian Affairs for the Northern Superintendency.

Under date of July 1, 1863, Superintendent Thompson reported that he had selected adjoining reservations for the Sioux and Winnebagoes, and forwarded a plat and field notes showing the location of the agencies and surveys made for allotments to the Indians.

In this respect the reservation boundaries are thus described:

"SIOUX RESERVATION.

"The reservation for the Sioux of the Mississippi is bounded as follows, to wit: Beginning at a point in the middle channel of the Missouri River, opposite the mouth of Crow Creek, in Dakota Territory; follow up said channel of the Missouri River about fourteen miles to a point opposite the mouth of Sne-o-tka Creek, thence due north and through the center of the stockade surrounding the agency buildings for the Sioux of the Mississippi and Winnebago Indians, about three miles, to a large stone mound, thence due east twenty miles, thence due south to the Cedar Island River or American Creek, thence down the said river or creek to the middle channel of the Missouri River, then up said channel to the place of beginning.

"WINNEBAGO RESERVATION.

"The reservation for the Winnebago Indians is bounded as follows, to wit: Beginning at a point in the middle channel of the Missouri River where the western boundary of the Sioux of the Mississippi reserve intersects the same; thence north and through the center of the stockade surrounding the agency buildings of the Sioux of the Mississippi and Winnebago Indians, and along said boundary line to the north-west corner of said reserve; thence along the northern boundary of said Sioux Reserve ten miles; thence due north twenty miles; thence due west to the middle channel of Medicine Knoll River; thence down said river to the middle channel of the Missouri River; thence down said channel to the place of beginning."

A diagram showing the two reservations thus defined is herewith inclosed.

The Sioux reserve contains 203,397 acres; the Winnebago, 416,915 acres.

The Winnebagoes were dissatisfied with the reservation set apart for them and refused to remain there, many of them leaving and joining the Omahas in Nebraska; others scattering through the country in various directions, until in March, 1865 (March 3, Stats. 14, p. 671), a treaty was concluded with them whereby they ceded, sold, and conveyed to the United States "all their right, title, and interest in and to their present reservation in the Territory of Dakota at Usher's Landing, on the Missouri River, the metes and bounds whereof being on file in the Indian Department."

In consideration of this cession the United States agreed to and did set apart for their future home the northern portion of the Omaha Reservation in Nebraska, which had been ceded to the United States by the Omahas for this purpose by the treaty of March 6, 1865. (Stats., 14, p. 667.)

Upon the removal of the Winnebagoes the Sioux occupied and have since continued to occupy the bottom lands along the Missouri River as well as portions of the western part of the old Winnebago Reserve. The reservation made in 1863 has never been revoked, and this and the Sioux Reserve being existing reservations and occupied by the Sioux at the date of the Sioux treaty of 1863 (Stats., 15, p. 635), were by the second article of that treaty "set apart for the absolute and undisturbed use and occupation" of the Sioux Indians "and for such other friendly tribes of individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them."

The foregoing extended reference to the establishment of the Winnebago Reservation was deemed necessary in view of the fact that the removal of the Winnebagoes and Sioux from Minnesota and the establishment of reservations for each was simultaneous; and because, as before stated, the Sioux now occupy both reservations, and allotments of land have been made under the treaty of 1868 to Sioux on the former Winnebago Reserve, their right to the land having thus been recognized by this office.

The agent's residence, agent's office, large new warehouse, recently erected, issue house, dispensary, quarters occupied by some of the employes, the saw-mill, several storehouses, corrals, slaughter-house, boarding-school building belonging to the Government, also recently erected at a cost of about \$3,000, and in fact all the more valuable buildings belonging to the Crow Creek Agency, as well as a large agency farm, are situated on the portion formerly occupied by the Winnebagoes.

Both these tracts are also embraced in the boundaries of the reservation created by Executive order, dated January 11, 1875 (see Indian Office Report for 1878, p. 247), withdrawing from sale and setting apart as an addition to the Sioux Reservation west of the Missouri River a large extent of country east of that river, and they were not included in the restoration of lands to the public domain by Executive order dated August 9, 1879 (Indian Office Report for 1879, page 215).

In view of the foregoing this office is of opinion that the tract of country embraced within the limits of the old Winnebago Reservation and the adjacent Sioux of the Mississippi reservation as defined in 1863, was an "existing reservation" at the date of the Sioux treaty of 1868, and as such was, by that treaty, made a part of the reservation set apart for the Sioux tribe of Indians.

If this view be correct any negotiations for the relinquishment of any portion of these lands should be with the whole tribe, or duly authorized representatives thereof, and not merely with those bands occupying this particular portion of the reservation, as the whole tribe have an interest in every portion of the reserve, and whatever compensation shall be received for the sale of any part must inure to the benefit of the whole tribe.

In any event, the lands have been reserved by Executive order of January 11, 1875, before referred to, and are still in a state of reservation under that order, and no steps should be taken looking to a reduction of the Crow Creek reservation without commensurate compensation to the Indians.

It is suggested that before authorizing any one to negotiate, the agent at Crow Creek Agency, Captain Dougherty, be called upon for report as to whether that portion of the reservation sought to be opened to settlement is occupied, or, in his opinion, needed by the Indians, or that an inspector be sent to investigate and take the necessary initial steps.

The reservation being one created by treaty, any agreement made with the Indians for a reduction of the reserve would necessarily have to be sanctioned by Congress in order to be effective.

Very respectfully,

The SECRETARY OF THE INTERIOR.

E. MARBLE,  
*Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, May 6, 1881.

SIR: In office report of 12th ultimo to the Department in relation to the status as to title of the old Winnebago and Crow Creek Indian Reservations in Dakota, this office expressed the opinion that the lands embraced in said reserves are a part of the great Sioux reserve in the contemplation of the Sioux treaty of April 29, 1868.

In connection with the matter, and as an additional reason for the opinion therein expressed, I desire respectfully to submit whether the terms in the second article of said treaty declaring that in addition to the region west of the Missouri River, set apart as the Great Sioux reserve, "all existing reservations on the east banks of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named," have any application whatever unless the old Winnebago and Crow Creek Reservations were the reservations contemplated in that treaty.

At the date of the Sioux treaty of 1868 the only lands in Dakota occupied by Indians as reservations on the east bank of the Missouri River were the reservations under consideration—and upon which, as stated in the report of 12th ultimo, the Sioux were then living—and the "Yankton" reserve, about 100 miles farther down the Missouri River. The last-named reservation was created by the treaty of April 19, 1858, with the Yankton tribe of Sioux Indians. (Stat. 11, p. 743.)

By the first article of this treaty the Yankton tribe of Sioux ceded and relinquished to the United States all the lands then owned, possessed, or claimed by them, wherever situated, except 400,000 acres, which are embraced in their present reservation, and in the tenth article of said treaty it is stipulated that said Indians should not alienate, sell, or in any manner dispose of any portion of their reservation, except to the United States, and the same article authorizes the Secretary of the Interior to divide the lands therein among the Indians, as he shall think proper, "so as to give to each head of a family or single person a separate farm, with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives as he may deem just."

Under the second article of the Sioux treaty of 1868, the reservation thereby created is "set apart for the absolute and undisturbed use and occupation of the Indians *herein named*, and for such other friendly tribes of individual Indians as from time to time they may be willing with the consent of the United States to admit amongst them."

The bands of Sioux Indians represented in that treaty were the Brulé, Ogalalla, Minnekonjo, Yanktonais, Unkpapa, Blackfeet, Cutheads, Two Kettle, Sans Arcs, and Santee bands.



The Yankton band or tribe were not parties to the treaty of 1868, and in the opinion of this office they hold the title to their reservation under the treaty of 1858 unaffected by the treaty of 1868.

If this be so the old Winnebago and Crow Creek reserves were the only reservations to be affected by the treaty of 1868, being, as before stated, the only reservations on the east bank of the Missouri River (except the Yankton) at the date of that treaty. It is submitted that if they were not reservations in the contemplation of that treaty, the terms in the second article above quoted—"and in addition thereto all existing reservations on the east bank of said river"—have no meaning, and it is a well-established principle of interpretation that "in the construction of a statute every part of it must be viewed in connection with the whole, so as to make all the parts harmonize, if practicable, and give a sensible and intelligible effect to each; nor should it be presumed that the legislature meant that any part of a statute should be without meaning or without force or effect." (Second circuit (New York), 1832, *Ogden v. Strong*, 2 Paine, 584.)

Very respectfully, your obedient servant,

E. L. STEVENS,  
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

JULY 13, 1881.

Mr. SECRETARY: In compliance with your verbal instructions I have examined the reports of the Commissioner of Indian Affairs, dated, respectively, April 12, May 6, and June 16, 1881, concerning the title to the old Winnebago and old Sioux Reservations in the Territory of Dakota, and I fully concur in the opinion therein expressed to the effect that said reservations are the ones referred to in the second article of the treaty of April 29, 1868 (15 Stats., 635), and that they belong in common to that part of the Sioux nation of Indians that joined in said treaty and other friendly Indians who have since been admitted among them in accordance with said article.

It is true that no formal Executive order was ever issued setting apart these reservations east of the Missouri River; but the President was authorized by the act of February 21, 1863 (12 Stats. 658), to assign to and set apart for the Winnebago Indians a tract of unoccupied land beyond the limits of any State, &c., and by act of March 3, 1863 (*ibid.*, 819), the President authorized and directed to do the same for the Sisseton, Wahpeton, Medawakaton, and Wahpakota bands of Sioux Indians. It appears from the Indian Office report of 1863 that Clark W. Thompson, superintendent of Indian Affairs, acting under instructions from the Indian Office, hence, in contemplation of law, by authority of the President, set apart the old Winnebago Reservation, designated its boundaries, and made a plat thereof, to which reservation the Winnebagos were removed; that at the same time he set apart a reservation adjoining the former one, and, as I understand the matter, by authority of the act of March 3, 1863, upon which to locate certain bands of Sioux Indians (the bands mentioned in said act of March 3, 1863) that had engaged in the massacre of 1862, which latter reservation he had also platted, and that he forwarded to the office of Indian Affairs a connected plat of these two reservations, since which time the lands embraced in the boundaries mentioned by him have been held and treated by the Government as Indian reserves. (See Indian Office Report for 1863, page 303, et seq. especially pages 318 and 319; *Ibid.* for 1878, pages 244 and 246.)

I find by reference to Article 1, treaty of March 3, 1865 (14 Stats., 671), with the Winnebago tribe of Indians, that the old Winnebago reserve was recognized and treated as an existing reservation, and there is no record of its restoration to the public domain; also, that by Article 4 of the treaty of February 19, 1867, with the Sisseton and Wahpaton bands of Dakota or Sioux Indians (15 Stats., 505), the Crow Creek Reservation, by which name the two reserves above mentioned were then called, was recognized as an existing reservation. (This latter treaty seems to show that the reserve set apart by Thompson at Crow Creek in 1863, the old Sioux reserve, was thus set apart by virtue of the act of March 3, 1863.)

The treaty of October 20, 1865 (14 Stats., 735), between the United States and the Yanktonai band of Sioux, does not set apart any reservation nor mention any. The fourth article provides that the band shall withdraw from the routes overland then established or thereafter to be established "through their country." This I take to mean the country then occupied by them. At all events it cannot mean a country set apart for their exclusive use, for no such was then recognized by the Government. It may be true, as stated by Captain Dougherty in his report of May 30, 1881, that these Indians were induced to go to the old Winnebago and the old Sioux reserves after the treaty of 1865, but that treaty does not mention said reserves, nor recognize said Indians as having any title therein.

The fifth article provides for the location of individual Yanktonai Sioux on lands

claimed by the band, and for their protection in such location, and for aid from the Government under certain circumstances.

This article is indefinite as to the territory within which the locations should be made. The fact is that this was a sort of treaty of peace in which no rights in real estate or lands were ceded, granted, or vested. The Yanktonais, or Indians at Crow Creek Agency, cannot lawfully claim exclusive right to land occupied by them by virtue of this treaty. What individual protection is required under this treaty I am unable to say, as I do not know what has been done under the provisions of the fifth article.

Now, unless these two reservations are the ones referred to in Article 2 of the treaty of 1868, the stipulation that, in addition to the lands set apart west of the Missouri River, "all existing reservations on the east bank of said river shall be, and the same are hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named" (among whom were the Yanktonais), is without any meaning whatever, for the only other reservation on the east bank of the river in the Territory of Dakota was the Yankton, about one hundred miles below, which was secured to the Yankton Indians by treaty of April 19, 1858 (11 Stats., 743), in their own right, and the Yanktons did not join in the great treaty of 1868. Consequently the Yankton Reservation was not one of those referred to in the treaty last named. The fact that the Winnebago and old Sioux reserves were recognized by the Government as existing Indian reservations at the time of the making of the treaty of 1868 leaves no doubt in my mind that these are the reserves that were mentioned as lying on the east bank of the Missouri River, and hence that they form a part of the great Sioux Reservation, and by the terms of the treaty they were set apart with the lands west of the Missouri "for the absolute and undisturbed use and occupation of the Indians" therein named, among whom were the Yanktonais, as before stated. I am further confirmed in this view from the fact that the said Yanktonais joined in the execution of the great Sioux treaty of 1868 in common with the other bands of Sioux therein named, and from the further facts that in 1875 the great Sioux Reservation was enlarged by Executive orders; that the boundaries mentioned in Executive order of January 11, 1875, included the said two reservations (see Report of Commissioner of Indian Affairs for 1878, pages 247 and 248); that in releasing from reservation lands thus added and restoring them to the public domain care was taken not to include any of the lands embraced in the old Sioux and the old Winnebago reserves in the order for restoration. (See Executive order of August 9, 1879, Report of Commissioner of Indian Affairs for 1879, pages 215-216.)

The Indians now occupying the lands east of the Missouri River which formerly were included in these two old reservations cannot justly lay exclusive claim to said lands, for, in addition to what is above stated, it is a fact that in the recent contracts made with the Dakota Central Railway Company and the Chicago, Milwaukee and Saint Paul Railway Company for rights of way across the Great Sioux Reservation the said Lower Yanktonais joined with the other bands of Sioux occupying the Great Sioux Reservation, and consequently they will participate in the proceeds arising from the sales or grants therein provided for. It is of course an illogical position for them to assume that they can participate in the fund arising from the sale of lands west of the Missouri River and maintain exclusive right to the lands east of the river. Furthermore, all the supplies, &c., which the Yanktonais on this reserve east of the river receive from the Government are appropriated and furnished in pursuance of the treaty of 1868, and the subsequent agreement of 1876 (19 Stats., 254), to which latter agreement they were also parties.

But while this is so, and while it appears from the records of the Office of Indian Affairs and the law and treaties above referred to that the lands occupied by the said Lower Yanktonais form a part of the Great Sioux reserve, it also appears from reports of Captain Dougherty, acting agent at the Crow Creek Agency, dated, respectively, May 30 and June 16, 1881, and on file with other papers in this matter, that these Yanktonais claim the lands east of the Missouri as their own and firmly believe that they have justly the exclusive right thereto; that the western bands lay no claim to this land, and that the Crow Creek Agency Indians lay no claim to any of the lands west of the Missouri; in fact, that there is a mutual understanding between the latter and the bands west of the Missouri that their reservations are separate and distinct.

Of course, such a position is not at all compatible with the acts of said Indians in joining in the treaty of 1868, the agreement of 1876, and the late agreements made with the railroad corporations above mentioned. But it must be recollected that they are Indians, and are not capable of understanding nice distinctions of law. Undoubtedly they are sincere and honest in the position taken by them that the reservation west is distinct from that east of the Missouri River, and that the western bands have no interest in the lands east of the river, and the Crow Creek Indians no interest in the lands west of the river.

From Captain Dougherty's reports it appears that these Yanktonais are very anx-

ious to have the title—that is, the Indian title—to the lands claimed by them secured in themselves exclusively.

Mr. King, who has applied to be appointed a commissioner to negotiate with the Sioux for the relinquishment of a portion of the old Sioux Reserve lying south of Crow Creek, states in his letter of April 22, 1881, addressed to Senator W. B. Allison, that there have arisen disputes between the Indians and settlers as to the right to gather drift-wood on the east bank of the Missouri. He also states that an effort is being made to establish a military post or station on an island opposite the town site in which Mr. King is interested.

Now, as to the question of drift-wood, by present treaty stipulations the Indian title extends to the line of low water on the east bank of the Missouri, and difficulties might occur as to the right to the drift-wood lodged on this bank; but this matter Captain Dougherty treats as of little consequence, and he thinks it is not of sufficient importance to be made the subject of negotiation.

As to the islands in the Missouri, Captain Dougherty reports that the Indians do not occupy nor use them. Most of these islands within the reserve have been surveyed, and several cases have been brought to this Department wherein it appeared that settlers had entered lands on the islands, whose entries thereof had to be canceled on the ground that the lands were reserved and not subject to disposal.

Now, in view of the foregoing, it would appear that in order to perfectly extinguish the Indian title to any of the Great Sioux Reserve, whether east or west of the river, or of islands in the river, the agreement should be made with all the bands occupying or interested in the reserve as a whole, including the Yanktonais occupying the portion of the reserve east of the river.

It appears from an indorsement on a letter from Senator Allison, dated February 24, 1881, that your predecessor had determined to negotiate with the Indians for the release of the tract which Mr. King and others desired to have restored to the public domain, and that he had directed the Commissioner of Indian Affairs to issue instructions accordingly; but the matter is now in a state of suspense.

Should you deem it important to negotiate with the Indians, and should you determine to do so, I would most respectfully suggest that, in addition to an agreement for the contemplated relinquishment (in making of which, in my opinion, the recommendation of Captain Dougherty as expressed in his report of May 30, 1881, should be observed) agreements should be made to effect the following objects:

First. To change the line of the Great Sioux reserve from the east to the west bank of the Missouri. This would put an end to all possible occasion for disputes as to drift-wood on the eastern side of the river, and leave the river free for the use of the whites.

Second. To separate the reserve on the east of the Missouri River from that on the west, and have the bands respectively occupying the same mutually relinquish to each other, which must be done by first relinquishing to the United States; that is to say, have all the western bands relinquish the lands lying west of the river and the United States set apart as a reservation, and agree that the same shall be for the exclusive use and occupation of the said Yanktonais, and the latter band relinquish all claim to lands west of the Missouri, and the United States agree that the same shall be a reservation for the exclusive use and occupation of the western bands. Of course such arrangement between the Indians should be upon an equitable basis. Concerning this point it may be remarked that the report of the Commissioner of Indian Affairs for 1880 shows the following facts:

First. The old Sioux and old Winnebago Reserves contain 620,312 acres of land. The Indian population occupying the same is 969. This would give 640 acres for each Indian on this portion of the reserve.

Second. The residue of the Great Sioux Reserve contains 31,408,551 acres. The Indian population therein is 20,189. The quantity of land pro rata to each Indian is 1,555 acres, about two and a half times as much as the eastern portion of the reserve affords reserve affords to each Indian on the eastern reserve.

As a mere question of acreage the western bands would have a decided advantage of the eastern Indians, and in case of an extinguishment of the Indian title to the entire reserve they would get a greater proportion of money or other things of value than the latter, for the Government rarely takes into account, in making agreements for extinguishing Indian titles, the difference in value or quality of the lands, but if the reserve were intended as a permanent one the western bands would have very little if any advantage over those east of the river; for it is represented by persons having knowledge of that country that the average quality of the land of the reserve east of the Missouri is much better than the west thereof; that the average acre east is about equal in value to 2½ acres west of the river. But looking at the agreement of 1876 it would appear that it is not the intention of the Government, or was not at the time of the agreement, to continue the reserve as a permanent one.

The problem, therefore, of separating the reservation so that the Yanktonais may

hold theirs exclusively, and of making an equitable adjustment, presents some difficulties; but I think if it is intended that the reserve shall be temporary only, that a clause might be inserted in the agreement by which, in the event of an extinguishment of the title to the entire reserve, the different bands should share in the proceeds in proportion to the number of their population. The main object of separating the reserves at this time is to satisfy the Indians and define the limits of the reserve over which the eastern and the western bands shall respectively have exclusive jurisdiction. But if it is probable that the eastern or all of the bands will have their present reserve for permanent homes, then no stipulation as to participation in a general fund in case of relinquishment of the entire territory need be made; for it appears that the Lower Yanktonais occupying lands east of the river would be entirely satisfied to relinquish forever all claim to the western lands, provided the lands they claim should be set apart and assured to them exclusively.

Third. To extinguish the title to the islands in the Missouri River within the present limits of the reserve. This ought, in my opinion, to be done in any event, for the islands are useless to the Indians and may be made very valuable to the whites.

The following is a copy of a paper furnished me by the chiefs of the surveying and public lands divisions of the General Land Office:

E. D. A.

*List of islands in the Missouri River opposite the Big Sioux Indian Reservation in the Territory of Dakota, showing the area of each, as far as they have been surveyed, according to the plats in this office:*

One island, lying in part in sections 22 and 23, township 96, range 67, unsurveyed and no area given.

One island, lying in part in sections 18, 19, and 20, township 98, range 6, area 129.23 acres.

One island, lying in part 22, 23, 26, and 27, township 99, range 70, area 176.12 acres.

Hiram Wood Island, lying in sections 19 and 30, township 100, range 71, and section 24, township 100, range 72, area 262.47 acres.

One island in sections 9, 16, 17, and 20, township 104, range 71, area 525.48 acres.

The above seems to be all that our plats show.

M. E. N. H.

By extinguishing the title to these islands, and changing the line to the west bank of the river as to the western part of the reserve, and to the east bank of the river for the west line of that part of the reserve occupied by the Lower Yanktonais, the river would be entirely free from any jurisdiction or control of the Indians; which, in my opinion, is an important consideration.

Very respectfully submitted.

L. A. LUCE.

*Clerk in Assistant Attorney-General's Office.*

DEPARTMENT OF THE INTERIOR,  
*Washington, July 20, 1881.*

SIR: I return herewith the papers which accompanied your communications dated, respectively, April 12, May 6, June 16, and July 12, 1881, in relation to the status of the Old Winnebago and the Crow Creek Reservations on the east side of the Missouri River, and the reduction of the Crow Creek Reservation by obtaining the consent of the Sioux to the cession of a portion of the lower part thereof.

It is deemed advisable by the Department that negotiations should be entered into with the Indians for the cession of the land indicated; but such negotiations must be had with the Sioux Nation and not with the particular bands located east of the Missouri River. It is possible that the negotiation may be effected at the meeting of Sioux chiefs, to be held in this city in August next, and, to that end, two or three chiefs of the Sioux bands east of the river should be present at said meeting.

Should the matter not be arranged at that time, a commission can be sent out to the reservation afterward.

Very respectfully,

S. J. KIRKWOOD,  
*Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.



## BRIEF ON THE PRESENT STATUS OF THE OLD WINNEBAGO AND CROW CREEK RESERVATIONS.

Mr. SECRETARY: I have examined the papers filed by Hon. John B. Raymond relative to the present status of the lands embraced within the limits of the Crow Creek and the Winnebago reservations in Dakota.

I have also examined the several reports from the Indian Office dated respectively April 12, May 6, May 18, and June 16, 1881, in all of which it is held that said lands are part of the Sioux Reservation, as defined under the Sioux treaty of April 29, 1868 (15 Stats. p. 635), for the reason as claimed that said lands were existing reservations on the East bank of the Missouri River at the date of said last-named treaty, and are covered by the words of Article II of said treaty which, after describing the reservation boundaries west of the Missouri River, reads as follows: "And in addition thereto all existing reservations on the East bank of said river shall be, and the same is, set apart for the absolute and undisputed use and occupation of the Indians herein named," &c. (*Ibid.*, 636.)

I find that these several reports, with the questions presented in them, were considered by Mr. L. A. Luce, clerk in Assistant Attorney-General's Office, in report under date of July 13, 1881, wherein he concurred in the opinion expressed by the Commissioner of Indian Affairs that the said "Old Winnebago and Old Sioux Reservations in the Territory of Dakota" \* \* \* are the ones referred to in the 2d article of the treaty of April 29, 1868 (15 Stats. 635), and that they belong in common to that part of the Sioux Nation of Indians that joined in said treaty, and other friendly Indians who have since been admitted among them in accordance with said article."

Following this opinion, I find that on July 20, 1881, Mr. Secretary Kirkwood, in letter to the Commissioner of Indian Affairs, held as follows:

"I return herewith the papers which accompanied your communications dated, respectively, April 12, May 6, June 15, and July 12, 1881, in relation to the status of the Old Winnebago and the Crow Creek Reservations on the east side of the Missouri River, and the reduction of the Crow Creek Reservation by obtaining the consent of the Sioux to the cession of a portion of the lower part thereof.

"It is deemed advisable by the Department that negotiations should be entered into with the Indians for the cession of the land indicated; but such negotiations must be had with the Sioux Nation and *not with the particular bands located east of the Missouri River*. It is possible that the negotiation may be effected at the meeting of Sioux chiefs to be held in this city in August next, and to that end two or three chiefs of the Sioux bands east of the river should be present at said meeting. Should the matter not be arranged at that time, a commission can be sent out to the reservation afterward."

The land involved in the question under consideration is within the boundaries of the cession of territory made to the United States by the Yankton tribe of Sioux or Dacotah Indians, by treaty ratified February 26, 1859 (11 Stats., 743).

By the first section of the act of February 21, 1863, it is provided, "That the President of the United States is authorized to assign to and set apart for the Winnebago Indians a tract of unoccupied land beyond the limits of any State, in extent at least equal to their diminished reservation, the same to be well adapted for agricultural purposes. And it shall be lawful for the President to take such steps as he may deem proper to effect the peaceful and quiet removal of the said Indians from the State of Minnesota, and to settle them upon the lands which may be assigned to them under the provisions of this act." (12 Stats., 658.)

By the first section of the act of March 3, 1863, it is provided, "That the President is authorized and hereby directed to assign to and set apart for the Sisseton, Wahpato, Medawakanton, and Wahpakoota bands of Sioux Indians a tract of unoccupied land outside of the limits of any State, sufficient in extent to enable him to assign to each member of said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural lands, the same to be well adapted to agricultural purposes." (*Ibid.*, 819.)

No formal Executive order appears to have been issued setting aside the reservations required by the two acts of Congress. It is found, however, that Clark W. Thompson, Superintendent of Indian Affairs, acting under direction of the Indian Office, did set apart two tracts of land for, and located said Indians thereon; describing said tracts in his report, dated at Usher Landing, July 1, 1863, to the Commissioner of Indian Affairs, and sending plat and field notes of the surveys made, as follows:

"The reservation for the Sioux of the Mississippi is bounded as follows, to wit: Beginning at a point in the middle channel of the Missouri River, opposite the mouth of Crow Creek, in Dakota Territory; follow up said channel of the Missouri River about fourteen (14) miles to a point opposite the mouth of Sne-o-tka Creek; thence due north and through the center of the stockade surrounding the agency buildings for the Sioux of the Mississippi and Winnebago Indians, about three miles, to a large



stone mound; thence due east twenty miles; thence due south to the Cedar Island River or American Creek; thence down the said river or creek to the middle channel of the Missouri River; thence up said channel to the place of beginning.

"The reservation for the Winnebago Indians is bounded as follows, to wit: Beginning at a point in the middle channel of the Missouri River where the Western boundary of the Sioux of the Mississippi Reserve intersects the same; thence north and through the center of the stockade surrounding the agency buildings of the Sioux of the Mississippi and Winnebago Indians, and along said boundary line to the northwest corner of said Sioux Reserve; thence along the northern boundary of said Sioux Reserve ten (10) miles; thence due north twenty miles; thence due west to the middle channel of Medicine Knoll River; thence down said river to the middle channel of the Missouri River; thence down said channel to the place of beginning." (Indian Office Report, 1863, p. 318.)

It must be borne in mind that we are considering the status of two separate and independent *reservations*, created under authority conferred by two separate and distinct acts of Congress, for two tribes or bands of Indians in no way connected with each other—one the Winnebago; the other, certain bands of the Sioux tribe of Indians. Neither the separate laws, the different *reservations*, nor the distinct tribes and bands of Indians, have up to this point any necessary relation to each other. The fact that the reservations were set apart at one and the same time by one and the same person, and that said reservations adjoin each other, should not confuse and mislead us into treating them as one reservation.

The reservation described above by metes and bounds, and set apart for the Winnebagoes, is reported to contain 416,915 acres; the one described as above and set apart for the specified bands of Sioux Indians is said to contain 203,397 acres.

These two reservations (?) adjoin each other and it is believed that they are covered by one plat, but their separate out-boundaries are so described as to show the area of each separately.

It appears that the Winnebago Indians remained upon the reservation upon which they had been thus located until 1865, when, by article 1 of the treaty of March 8, 1865, proclaimed March 28, 1866, it was ceded to the United States in the following words:

"The Winnebago tribe of Indians hereby cede, sell, and convey to the United States all their right, title, and interest in and to their present reservation in the Territory of Dakota, at Usher's Landing, on the Missouri River, the metes and bounds whereof being on file in the Indian Department." (14 Stats., 671.)

The consideration received by the Winnebagoes for the above cession was a reservation in the Territory of Nebraska, described in the second article of the same treaty.

After the removal of the Winnebagoes from the reservation ceded to the United States by this last-named treaty, the better portions of the lands thus vacated were occupied by Indians of the bands of Yanktonai, Two-Kettle, and Brulé bands of Sioux who were wandering about in that section of the country. (See I. O. report of 1867, p. 244, and of 1868, p. 189.) But they congregated on the lands of these two old reservations of their own motion so far as can be found, without authority by this Department.

The fact that an agent for the "Upper Missouri Sioux" was located at the old Crow Creek Agency probably drew them to that locality.

The Indians, however, remained upon the land, and were there at the date of the treaty of 1868 with the different tribes of Sioux Indians.

It seems to have been claimed by the Indians, and held by the Indian Office and by this Department, that said lands set apart on July 1, 1863, under authority of the act of February 21, 1863, for the Winnebago Indians, were in a state of reservation for Indian purposes at the date of the treaty of 1868, and were therefore, in contemplation of the provision of the second article of said treaty, an "existing" reservation on the east bank of the Missouri River, and by said treaty made a part of the great Sioux Reservation thereby created.

We are therefore brought to the consideration of the question: Were the Winnebago lands in a state of reservation, and as such an "existing reservation" at the date of the treaty of 1868?

We have seen as above that said lands were ceded to the United States by the Winnebago Indians in the treaty of 1865 (14 Stat., 671).

It is claimed that because no Executive action had been taken revoking the reservation created in 1863, that the lands were still in a state of reservation at the date of the treaty of 1868, notwithstanding the cession thereof made to the United States by the Winnebagoes in the treaty of 1865. Why was any such Executive action necessary? Did not the Indians cede the land to the United States by treaty? Is not that treaty the supreme law of the land? And did it not convey the title to said lands to and in the United States? Surely it will not be denied that the treaty accomplished this, that it repealed and set aside the Department action of July 1, 1863, abolished the reservation, and that it consequently accomplished the extinguishment of the title of said Winnebago Indians to said lands.

The status of the land is, however, further complicated by the following:

"EXECUTIVE MANSION, *January 11, 1875.*

"It is hereby ordered that the tract of country in the Territory of Dakota lying within the following described boundaries, viz: Commencing on the east bank of the Missouri River, where the forty-sixth parallel of north latitude crosses the same; thence east with said parallel of latitude to the ninety-ninth degree of west longitude; thence south with said degree of longitude to the east bank of the Missouri River; thence up and with the east bank of said river to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation in said Territory.

"U. S. GRANT."

The boundaries described include the land of both the old reservations under consideration. If said lands already belonged to the great Sioux Reservation under Article III of treaty of 1868, why should they be again "set apart for the use of the several tribes of Sioux Indians as an addition to their present reservation on said Territory"?

On August 9, 1879, President Hayes issued an Executive order restoring certain of the lands withdrawn from sale and set apart for use of the Sioux Indians by Executive orders dated January 11, March 16, and May 20, 1875.

This order, which is of considerable length, excepts from such restoration the lands within the limits of the old Winnebago and Crow Creek reservations, thus leaving said last-named lands within a state of reservation "for the use of the several tribes of Sioux Indians as an addition to their present reservation in said Territory."

It is a well-known fact that President Grant's order of January 11, 1875, was made to keep whisky traffic, &c., at greater distance from the Sioux Indians, and not with the intention of giving more land to the Sioux Indians, whose treaty territory is very great.

The fact, however, exists that the lands of the old Winnebago and old Crow Creek reservations are yet in a state of reservation by virtue of said Executive order.

The causes requiring the issuance of that and other Executive orders having so far ceased as to permit restoration of all of the lands reserved thereby, except those within the limits of the two old reservations, why should not those lands also be restored? It appears to me that such an Executive order restoring the lands within the limits of the old Winnebago Reservation would clear it of all legal incumbrances, and leave the title thereto in the United States, where it was placed by the Winnebago treaty of 1865. The Sioux Nation of Indians was no just claim to the lands under any treaty provision.

If said lands shall be restored by Executive order they will become public lands, subject to pre-emption and homestead entry, under sections 2257, 2258, and 2289, Revised Statutes.

The first section referred to provides that "All lands belonging to the United States, to which the Indian title has been or may be hereafter extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law."

Acting under the belief that said lands formed a part of the Great Sioux Reservation created by treaty of 1868, allotments have been made to a number of Indians thereon, in accordance with the terms and provisions of said treaty of 1868.

As the lands are shown not to form any part of the Great Sioux Reservation reserved by the treaty of 1868, there is no warrant or authority for any allotments thereof to any Indians under that treaty, except as on public lands, under the provisions of fourth paragraph of Article VI thereof, wherein the following is found:

"And it is further stipulated that any male Indians over 18 years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than Indian occupation, and who shall have made improvements thereon of the value of \$200 or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for 160 acres of land, including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands." (15 Stats., 637.)

Under this clause of the treaty the allotments already made, as well as any that may hereafter be made, to said Sioux Indians on said lands, are secured to them, to the extent of 160 acres at least, but only if they have made the necessary improvements and lived there three years.

It seems only necessary to revoke President Grant's Executive order of January 11, 1875, to clear away all encumbrances remaining upon the lands of the Old Winnebago

Reservation, to restore them to the public domain as public lands subject to pre-emption and homestead entries.

Having reached the foregoing conclusion on the old Winnebago lands, we will now resume consideration of the status of—

#### THE OLD CROW CREEK LANDS.

The bands of Sioux Indians which had been located on the lands adjoining and on the south of the Old Winnebago Reservation did not find it a desirable location, and in 1866 a new reservation was selected for them in Nebraska, on the Niobrara River, and they were moved thither July 12, 1866. (See I. O. Report, 1866, p. 34). Here they appear under the title of Santee Sioux, comprising what are known in treaties and in the law of March 3, 1863, above referred to, as the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands. (*Ibid.*, 45, 212.)

These newly-selected lands were directed by the President, in Executive order of February 27, 1866, to be withdrawn from market and reserved for the purposes indicated in the report of the Secretary of the Interior of the day previous, viz: "Until the action of Congress be had with a view to the setting apart of these townships (4) as a reservation for the Santee Sioux Indians now at Crow Creek, Dakota."

Additions and changes were made in this new reservation by subsequent Executive orders. (See pamphlet, Existing Indian Reservations, pp. 36-38.)

No subsequent legislation by Congress setting aside said new location as a reservation for those Indians is found. The law cited on the records and reports of the Indian Office for creating this new reservation by the Executive, is the act of March 3, 1863. (12 Stat., 819.)

This is the same law under which the Indian Bureau selected and designated the lands at Crow Creek as a reservation for the same Indians. It is true the President never formally designated by an Executive order or otherwise, so far as can be found, the lands selected at Crow Creek as a reservation for the Indians mentioned in the law of March 3, 1863. If the action of the Indian Office in making this selection and reservation is held to be the action of the President, who by the law "is authorized and hereby directed to assign to and set apart \* \* \* a tract of unoccupied lands" for the Indians named therein, did not such action exhaust the power of the President under said law? If it did, then there was no existing authority of law for the selection of the new reservation in Nebraska. This seems to be intimated in the correspondence withdrawing said lands, as further action by Congress is stated to be requisite to establish the reservation. But we have not found any such future legislation. Where, then, is to be found the legal authority for the existence of this new reservation?

By reference to report of the Indian Office of May 18, 1866, to the Secretary of the Interior, the following will be found, viz:

"The Crow Creek Reservation was selected under authority of the act of Congress of March, 1863, providing for a removal of the Indians to a tract of 'good agricultural land well adapted for agricultural purposes,' outside of the limits of any State. The reservation at Crow Creek proving after three years' trial not to be such a tract, it was deemed to be within the power and duties of the President, under the law, to provide another tract which fulfils its requirements for the use of the Indians." (I. O. Report, 1866, p. 230.)

In a similar report of June 4, 1866, we find the following:

"The selection of this reservation, and the location of the Indians on the same, is done under the authority conferred by the act of Congress of March 3, 1863 (Statutes at Large, volume 12, page 819), providing for the selection of 'a tract of land well adapted to agricultural purposes, outside of the limits of any State.' The reservation at Crow Creek was first selected, but proving, after three years' trial not to be adapted for the purposes of a reservation, has been abandoned, and the present location selected." (*Ibid.*, 233.)

These statements and the fact that to this day the reports of the Indian Office set up the act of March 3, 1863, as the authority for creating the Niobrara Reservation in Nebraska, clearly indicates that there is no other authority of law for its existence as such reservation, and none other is found. It may be claimed that its existence is recognized by the fourth paragraph of Article VI, of Sioux treaty of 1868 (of which see hereafter). But the law of March 3, 1863, is given as the authority for the creation and continuance as a reservation of the original lands selected at Crow Creek. That law authorizes the President to assign and set apart "a tract of unoccupied land," &c.; it does not authorize the setting apart of two separate tracts or two reservations. The President did not actually and formally set apart the tract first selected, but did by Executive orders assign and set apart the Niobrara tract last selected as the reservation. The Commissioner of Indian Affairs reports that the first location was abandoned for the Niobrara tract, which latter tract has the sanction of the President for a reservation for the Indians specified in the act of March 3, 1863.

In view of these facts, which of the two tracts of land rests upon the law of March 3, 1863, as the authority for its legal existence as a reservation—the one at Crow Creek in Dakota, or the one on the Niobrara in Nebraska? If the latter, then the former would seem to have no legal authority for existence as a reservation unless some other authority can be found for it.

In the treaty of February 19, 1867, with the Sisseton and Wahpeton bands of Sioux Indians (15 Stat., 505), reference is made in several instances to the Crow Creek Reservation by way of distinguishing the Indians making that treaty from those of the same bands who were "sent to the Crow Creek Reservation;" Mr. Luce in his paper held such references as not only recognizing the Crow Creek, but also the Winnebago Reservation, as existing reservations, stating that both were known at that time as the Crow Creek Reservation.

The agency for the Winnebagoes and Sioux, when they were both on these adjoining lands, was known as the Crow Creek Agency, but the alleged reservations were always known and designated as the "Winnebago Reservation" and the "Crow Creek Reservation."

It cannot be held that mere incidental reference in a treaty to a locality as a reservation, without any intention to create such a reservation, carried with it any authority to change the status of the lands in said locality. If the lands were commonly known by that designation or name, but had no legal status as a reservation, such reference to them in the treaty could not and did not change their then existing status.

It will be argued that the Indian Bureau was treating said lands as in a state of reservation, and therefore a liberal construction of the treaty of 1868 will entitle the Sioux Nation thereto. There is some slight ground for this position, but the argument is as strong on the other side. When the Sioux Indians were moved from Crow Creek to Niobrara we find that the Commissioner of Indian Affairs reported that the Crow Creek lands had been found unsuitable and were abandoned. An agency had been established there for the Sioux and Winnebagoes, and it is presumed that some one was left there to look after the property remaining behind; this and the fact that wandering Indians of the Sioux tribes were gathering upon said lands, perhaps led many to assume that said lands were still held as reservations, and some of the agents and employes without full knowledge of the fact of the abandonment of said lands may have considered it in a state of reservation. While therefore it may have had somewhat the status of a quasi reservation, it was not legally or properly an "existing reservation" at the date of the Sioux treaty of 1868, and the Sioux Nation, in my opinion, acquired no title to those lands by said treaty.

If there were no legally "existing reservations on the east bank of said river" (Missouri) at the date of the treaty of 1868, the most liberal construction of that treaty will not entitle the Sioux Nation of Indians to any lands on that bank of the river.

I am therefore inclined to the opinion that all legal and also all equitable incumbrances upon these lands, except such as may be upon those portions improperly allotted to Indians, may, as in the case of the old Winnebago lands, be cleared away by an Executive order canceling or annulling the Executive order of January 11, 1875.

As there is no legal authority for the allotments made to Indians on these lands, such allotments should be canceled; but the equitable interest acquired by the Indians therein should be secured to them as far and as fully as practicable, either under the provisions of the 4th par. of Article VI of the treaty of 1868, quoted on page 8 of this brief, or under the general laws for homesteads to Indians (act March 3, 1875, 18 Stat., 402; act July 4, 1884, Pamphlet Laws 1883-'84, p. 98).

It would seem that such equitable interests can be better secured to the Indians under the general homestead laws, as the title to lands acquired under such laws by Indians is not subject to alienation, &c.

Respectfully submitted.

R. V. BELT,  
*Chief Division Indian Affairs.*

JANUARY 30, 1885.

UNITED STATES INDIAN SERVICE,  
CROW CREEK AGENCY, DAKOTA,  
March 9, 1885.

SIR: Acknowledging receipt of telegram of Acting Secretary Joslyn of 6th instant, informing me of reduction of Winnebago and Crow Creek Reservation by Executive order of February 27, 1885, and stating that all rights of Indians are fully protected by said order, I have the honor to beg leave to make the following statement and to ask that it may receive your wise and just consideration:

The telegram above referred to was the first official communication received by me



to inform me that an Executive order reducing the reservations occupied by the Indians under my charge had received Presidential signature. I had seen several unofficial announcements to that effect, but had placed no credence in them. I telegraphed the honorable Commissioner on or about February 16th last, asking if action had been taken to open reservations above referred to to settlers, and received on the 19th ultimo the following answer:

"No action has been taken by my office in reference to opening Crow Creek Reservation. Possibly some action may be taken by Congressmen."

"H. PRICE,  
"Commissioner."

In the mean time large numbers of squatters had rushed in upon the reservation, surveying, locating claims, and building houses.

The Indians, seeing this, became much alarmed and begged me to drive them off. I deemed it my duty to comply with their request, and sent out policemen (four) to the different parts of the reserve encroached upon, with written warning to them to withdraw from reservation and to remove their property, stating that in case they refused to do so their property would be confiscated and themselves prosecuted as the law directed. This notification had very little effect.

Again on 2d instant, not yet having received any official notification, a similar warning was again sent out, with a larger body of police, with like effect, except in that it caused much excitement among the intruders and their friends, and arms and ammunition was sent for and violent threats uttered.

I deemed this second order necessary because Indians living upon lands taken in severalty were pressed upon and the other Indians generally were very anxious. I am glad to report that no act of violence has been committed by any of the Indians, although so fearfully provoked. I have from time to time earnestly counseled them to keep quiet and to refrain from all acts of violence, and I have also stated to them that I could not believe the reports circulated, as I had received no official warning. I told them that I knew the Government would treat them justly and protect them. These assurances had the effect desired.

As yet I am uninformed officially of the extent to which the reservation has been opened and where the new boundary lines are located, as will be seen by referring to telegram of Acting Secretary Joslyn of 6th instant. Through private channels I have received a copy of what purports to be the Executive order reducing the reservations in my charge, from which I find that in the neighborhood of 500,000 acres of land are taken from these Indians without compensation of any kind, and leaving the title to what remains very precarious.

The reservation left to these people, in acres, may seem sufficient for them, but a great deal of it is rough, sterile, and utterly worthless territory. A large number of the Indians have taken up lands in severalty on that portion of the reservation which is proposed to be open to settlers, and will consequently be outside of the lines of the proposed reserve; surrounded by white settlers, some of them the very worst kind, it will be beyond the power of any agent to protect them or control them as they require. It will be but a short time ere they are cheated out of everything they have, and will be driven back to the reservation, paupers. Whisky, the curse of the Indian as of the white man, only in a more intense degree, will be largely instrumental in bringing about this result.

One of the most serious injuries caused by the proposed reduction is the taking away from these people their pasture lands. The only fit portion of the reserve for winter pasture is that portion which is here familiarly known as the Big Bend, consisting of ranges 73, 74, 75, and 76, township 108. By far the greater portion of this bend consists of rough, broken lands, high bluffs, and deep ravines, utterly unfit for agriculture, and will never be sought by any one except some land speculator who will take it up as a great pasture. It is the locality where the agency beef-herd is wintered; in fact it is the only place where a herd can be held during winter without starving to death. At the present time the beef-herd held there is constantly disturbed, and being wild Texas steers are in danger of being stampeded by the large number of settlers who are taking up every little valley and every patch of timber in the bend. My herders inform me that the cattle are very restless and that they fear they cannot be held there much longer. If I am compelled to remove them a large number will certainly perish before the spring grasses come, thus entailing great loss to the Government and almost certain starvation to the Indians.

I am aware that it is the intention of the Government to assist the Indians to become self-sustaining. By taking away these pasture lands from them one of the principal avenues leading to this result will be closed. If it can be retained and these people can receive even a moderate number of cows at the present time, to be turned into this natural pasture and properly cared for there, it will take but a few years ere the increase will not only furnish beef for the tribe, but also aid them in producing work-cattle and milch cows.



If it is determined that this reservation must be reduced at the present time, would it not be possible to so modify the order as to keep this bend with a portion of land connecting it with the reduced reserve, making the northern boundary conform to that laid down by the proposed Dawes bill?

I deem it my duty as an agent of the Government for these poor people to bear testimony in their behalf as to their present and past good conduct. It is their constant boast, grounded in fact, that they have always been, as they now are, firm friends of the white men; that they have never, at any time, joined with any of the other bands of Sioux in hostilities against the whites. Whenever hostilities occurred they have always placed themselves near some military fort, many of them serving as scouts and doing whatever they could to aid the Government in reducing refractory bands to a peaceful condition. There are men now living in the tribe who, when white women and children had been taken captive by the hostiles, went out to their camps, taking with them presents of ponies, blankets, and whatever they had, to purchase these unfortunate creatures from their cruel captors in order to restore them to their friends. Great pressure was frequently brought to bear upon them to compel them to join in raids and hostilities with their wilder brethren of the Sioux nation, but their record will show that they invariably resisted, and remained firm in their friendship.

This band of Lower Yanktonai Sioux was once a numerous tribe, presided over and guided by the wise and peace-loving Chief Bone-Necklace, the father of the present noble and gentle and courteous head, Chief White Ghost.

Their dominion extended over the entire central portion of Eastern Dakota, and although there is no treaty in existence showing that they have ever disposed of one foot of their territory, yet by the gradual and steady encroachment of the white man they have been driven back and back, until to-day they occupy their present narrow and, to them, almost insignificant reservation.

Their natural means of support have been taken from them; their hunting grounds are now the white man's wheat fields; their timber lands destroyed have built the white man's cities, towns, and farm homes, and yet they have never resisted; not because they were cowardly, but were gentle and peace-loving; and shall these people with such a record now be crushed and almost utterly impoverished by the Government that should protect them; shall their little remnant of land be taken from them without money and without price, in a moment, without warning of any kind? Can we expect that these poor, ignorant, helpless people shall ever embrace our civilization and Christianity when they experience such treatment from him who is to them the embodiment of the Government, and whom they call their "Great Father?" If, honorable sir, it was in the heart of him who held the high position you now occupy thus fearfully and secretly to wrong these poor children, I pray God that it may be in yours to right them.

And, in conclusion, permit me to remind you that this small band is a member of the Great Sioux family; that they are looked up to by many of the wilder members of the tribe as civilized Indians. The treatment they receive is known to all, and those who are opposed among the Sioux to civilization will be ready to make the ill treatment of these people by the Government an excuse for still greater opposition, and justify them in their own minds in many acts of violence.

If I understand their treaties with the Government, it seems to me that their title is not only perfect because of their hereditary rights, but secured to them by promises oft repeated by the Government, and as one further proof of title I would beg leave to draw your attention to the fact that the Government sent here in the year 1882 a commission which was authorized to negotiate with them for the purchase of a certain portion of their land, and when here, as elsewhere, they failed to obtain the consent of these Indians to the sale of their lands, the honorable Senate required subsequent action to obtain the same. And in order that there should be no fraud perpetrated upon the Indians in this connection a Senatorial committee was created with instructions to fully investigate the matter and to see if the Indians had been unduly pressed or influenced to enter into the agreement. The result was the rejection of the proposed Sioux commission treaty and the substitution for it of the Dawes bill, which all true friends of the Indians hoped to see enacted, and which was in abeyance at the time that the Executive order was signed.

I trust that I may be pardoned for presuming to address this communication to you, honorable sir, personally. If in doing so I transgress any of the rules that should guide one holding my humble position, I beg that I may be pardoned, and that my earnest desire for the welfare of the people intrusted to my care may plead in my behalf.

Very respectfully, your obedient servant,

JOHN G. GASMANN,  
*United States Indian Agent.*

Hon. L. Q. C. LAMAR,  
*Secretary of the Interior, Washington, D. C.*

BRIEF PREPARED BY MR. CAMPBELL, CLERK IN THE ASSISTANT ATTORNEY-GENERAL'S OFFICE AND SUBMITTED TO THE SECRETARY.

Land is within boundaries of cession to the United States by Yankton-Sioux treaty, ratified February 26, 1858 (11 Stat. 743).

Section 1 (act February 21, 1863), authorized the President to set apart *a tract* of unoccupied land beyond the limit of any State for the Winnebago Indians. (12 Stat., 658.)

Section 1 (act March 3, 1863), gave the same authority as to the Sisseton, Wahpaton, and other bands of Sioux. (Ib., 819.)

No formal Executive order issued, but Superintendent Thompson, under direction of Indian Office, did set apart two tracts of land for said Indians and located them thereon in summer of 1863.

The Winnebagoes remained upon the reservation upon which they were thus located until 1865, when by Article I of treaty of March 8, 1865 (14 Stat., 671), they ceded it to the United States, the consideration being a reservation in the State of Nebraska. The lands vacated by them were then occupied to some extent by wandering bands of Yanktonai, Two Kettle, and Brulé bands of Sioux, on their own motion and without authority from this Department.

Were the Winnebago lands in reservation at the date of the treaty of April 29, 1868 (15 Stat. 635), so as to come within the terms of Article II of said treaty relative to "all existing reservations on the east bank of said river" (Missouri)?

I think not. The treaty of 1865 restored the lands to the public domain, taking them out of whatever of reservation resulted from the action of Superintendent Thompson in 1863, and this even though there was no Executive action following the treaty. The treaty itself extinguished whatever of Indian title there was, and abolished the reservation.

By Executive order of President Grant, under date of January 11, 1875, the lands covered by both the reservations in question were withdrawn from sale and set apart for the use of the several tribes of Sioux Indians, as an addition to their present reservation.

This Executive order must have been upon the theory that the lands were not reserved under the treaty of 1868, for if they had been the order was unnecessary.

August 9, 1879, President Hayes, by Executive order restored certain lands set apart for use of Indians by Executive orders of January 11, March 16, and May 20, 1875. His order excepted the lands within the Old Winnebago and Crow Creek Reservations, and therefore left them in the condition placed by the order of President Grant—*i. e.*, in reservation.

Consequently, all that is necessary to restore the Winnebago lands is an Executive order, and since they are no longer occupied by the Indians for whom they were set apart, there would seem to be no good reason why they should not be restored.

The other or more southerly of the two reservations in question was not found desirable by the Indian bands for which it was set apart, and in 1866 a new reservation was selected for them by order of the President, dated February 27, 1866. This order was made to operate until the action of Congress, with a view to setting apart said lands for said Indians.

To this day there has been no action by Congress.

The Executive order was made under the provisions of the act of 1863, the same act under which the lands in question were set apart, which act authorized the President to set apart *a tract*.

This reservation was not made by order of the President (but was by order of the Commissioner of Indian Affairs), while that in Nebraska was by formal order of the President. Both actions being under the same law, which provided for the setting apart of *a tract*, one of two interpretations seems necessary—1st, that the second reservation (that in Nebraska), being by formal order of the President, in effect nullified the first and rendered it as if it had never been made; or, 2d, the law provides for the reservation of a tract—not tracts—and therefore, even if the first was a legal reservation, it, by the operation of the order of 1866 creating another, ceased to be such, and was without further action released from reservation and restored to the public domain.

Either of these interpretations would take the lands out of the requirements and scope of the treaty of 1868, and leave them public lands until again withdrawn by the order of President Grant in 1875. The first of these is the view taken by Mr. Belt.

# TESTIMONY

TAKEN BY

## A SUB-COMMITTEE

OF THE

## COMMITTEE ON INDIAN AFFAIRS

OF THE

UNITED STATES SENATE,

IN RELATION TO

THE CONDITION OF THE INDIAN TRIBES IN THE INDIAN  
TERRITORY, AND UPON OTHER RESERVATIONS,

UNDER

RESOLUTIONS OF THE SENATE OF JUNE 11 AND DECEMBER 3, 1884, AND  
FEBRUARY 23, 1885.

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MONTANA AND DAKOTA.

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WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1885.

# REPORT

## COMMITTEE ON THE STATE OF THE STATE

Presented to the Legislature at its Session in 1911

By the Honorable the Governor

and the Honorable the Senate

of the State of New York

Albany, New York

1911

Printed by the State Printer

Albany, New York

1911

Price, 10 Cents

Per copy, 10 Cents

By the State Printer

Albany, New York

1911

## TESTIMONY.

*Testimony of John Sutherland.*

PIERRE, DAK., July 16, 1885.

JOHN SUTHERLAND sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Pierre, Dak.

Q. How long have you resided there?—A. I came to Pierre last August.

Q. From what point?—A. Beaver Dam, Wis.

Q. Pierre was your first residence in Dakota?—A. Yes, sir.

Q. You came here last August?—A. Yes, sir.

Q. Did you make your home first at Pierre, or did you settle somewhere else?—A. I looked around the Territory and make my home first at Pierre.

Q. State whether you are one of those that went upon the old Winnebago or Crow Creek Reservation and made a claim?—A. I did.

Q. When did you go there?—A. The evening of the 28th of February, 1885.

Q. That was the day following the date of President Arthur's proclamation, which was on the 27th of February?—A. Yes, sir.

Q. How did you get information of that proclamation on the 28th?—A. We received a telegram from Washington.

Q. From whom?—A. We did not receive it directly. It came to the postmaster, I think.

Q. It came to the postmaster at Pierre?—A. Yes, sir; that is what I understood at the time.

Q. What was his name?—A. Colonel Laird. I forget his first name. I remember the circumstances now. A telegram came to Colonel Laird and Mr. Comfort, the sheriff, from Representative Raymond.

Q. A telegram was received from Mr. Raymond, the Delegate from this Territory, stating that the proclamation had been issued?—A. Yes, sir.

Q. Had you, or any other persons here to your knowledge, made any previous preparation to go on the reservation?—A. Yes, sir.

Q. What preparations had been made in your locality here?—A. There were about twelve of us who had arranged to go down and take claims.

Q. How long before that had you made those arrangements?—A. About two weeks.

Q. Did you come to this Territory with a view to that?—A. No, sir; I came to go into business.

Q. You say there was about a dozen of you that had arranged to go into the reservation?—A. Yes, sir.



Q. In anticipation of the making of such a proclamation?—A. Yes, sir.

Q. You say you went into the reservation on the 28th of February. How many went in with you, if any?—A. There were eleven in that original company, I think; possibly only ten.

Q. Ten besides yourself?—A. No, sir; ten including myself.

Q. Were they all residents of Pierre?—A. Yes, sir.

Q. Had they been residents of Pierre for a considerable length of time before that, or were they newcomers like yourself?—A. I think they had been here longer than I had.

Q. State to the committee what you did and where you went?—A. Our company went down to what is called the Chapelle Bottom, about 24 miles from here.

Q. On the Missouri River?—A. Yes, sir; and we examined the ground.

Q. Had you been down there before?—A. I never had. We had sent two men down to look the ground over.

Q. Well?—A. And we marked out eleven claims.

Q. You mean by that, eleven claims of 160 acres each?—A. Yes, sir.

By Mr. INGALLS:

Q. Had the land been surveyed by the Government previous to that?—A. Yes, sir; there had been a survey.

By the CHAIRMAN:

Q. Of that part of the reservation?—A. Yes, sir; we found the stones that night. We had a surveyor with us who was one of the company, and he ran the lines, found the stones, and laid out the claims. We then made some little improvements, dug some holes, and got our lumber down.

Q. Did you take eleven contiguous claims, or were they scattered about?—A. They were all contiguous.

Q. All contiguous?—A. Let me see. Yes; they were all contiguous, extending over quite an extent of country.

Q. They were in the bottom lands of the Missouri River, were they?—A. Yes, sir.

Q. Do you recollect the section, range, and township you settled on, so we can locate about where it was?—A. It was the northeast quarter of section 34, township 110, range 76.

Q. Were all the rest in township 110?—A. Yes, sir.

Q. They were all in that township and range?—A. Yes, sir.

Q. Can you give the names of the ten persons besides yourself who went there with you?—A. I think I can give the names, but not the initials of all of them.

Q. Give the names.—A. O. G. Pratt, J. A. Johnson, R. E. Gregory, Lewis Jester, a Mr. Warner, and a man named Nixon.

Q. Will you describe just the character of the improvements made by you gentlemen?—A. As soon as we could we put up a shack.

Q. How soon after going there did you do that?—A. We put one up, I think, Tuesday.

Q. Tuesday was what day of the month?—A. Well, we went in there Saturday night, the 28th day of February, and the following Tuesday we put up this shack, and then we built shacks on all the claims—about seven; the others abandoned theirs.

Q. Who abandoned their claims?—A. Mr. Platt, a man named Warner, and another man, I don't remember his name.

Q. The rest of the company remained?—A. Six out of the ten remained.

Q. What character of improvements did you put up, and when was it done?—A. We put shacks up.

Q. What do you mean by a "shack"?—A. I mean a small house in the form of a shanty.

Q. Of what dimensions?—A. Ten by 12 or 8 by 10.

Q. How was it constructed?—A. Of boards.

Q. Set up on end; rough boards?—A. The boards we had were all planed on the outside; they were dressed boards.

Q. And were just set up on end?—A. We had a floor.

Q. The walls I mean?—A. Yes, sir, and nailed on a frame.

Q. And then a slanting roof made of the same material?—A. Yes, sir.

Q. And the dimensions were about 8 by 10?—A. Some 8 by 10 and some 10 by 12.

Q. What was the cost of such a structure?—A. Mine cost me twenty-nine dollars and some cents. I paid for mine.

Q. It cost about the same as the others?—A. Yes, sir.

Q. What else was done in the way of improvements upon those several tracts of land while you were there?—A. Of course there was the cost of living and there was some breaking done. I broke from five to six acres.

Q. Did any of the rest of them break any land?—A. Some of the others broke from one to four acres.

Q. Did any others of the six do any breaking?—A. Yes, sir; I think they all did.

Q. Well, how much?—A. As I stated, from one to five acres.

Q. Did you do any seeding?—A. We were just preparing to. I had gotten my seed there when President Cleveland requested us to leave.

Q. What was the date of his proclamation?—A. The 17th day of April.

Q. How did you receive notice of that?—A. Through the papers.

Q. When you received notice of that proclamation what did you do?—A. So far as the reservation was concerned, we did not think it was safe to go on with our improvements.

Q. You stopped, then, the work of improving your claims?—A. Yes, sir.

Q. Have you and your associates continued to reside upon the reservation?—A. No, sir; I have not, but some of them have.

Q. How many of them left the reservation at once upon the receipt of President Cleveland's proclamation of the 17th of April?—A. I don't know that anybody did at once, but from time to time they have dropped out.

Q. Until now are any of them left?—A. I think there is possibly one of our original company down there yet. We have gone down there from time to time, more on a picnic excursion than anything else.

Q. Did you remove your improvements or leave them there?—A. Left them there.

Q. The shacks were all left standing there?—A. Yes, sir; and all the goods I took there I left, but I presume they are not there now.

Q. Were there any other settlers in your vicinity?—A. All the land was taken up in the bottom.

Q. All that bottom land was taken up?—A. Yes, sir.

Q. How much was there in that?—A. I think there was about thirty odd claims of 160 acres each. That was just in that one little bottom. You are going through there to-morrow and will see it. There are

several natural divisions, and the bottoms extend in length about 4 miles and in some places are a mile wide, in others  $2\frac{1}{2}$  miles wide.

Q. Is it rich tillable land?—A. It is very fine land, the best land I ever saw.

Q. It runs right to the river, does it?—A. Yes, sir.

Q. You say all the land in that bottom was taken up?—A. It was.

Q. Do you mean to say it was improved?—A. There were shacks on all of it; on every quarter-section. There was not very much breaking done; it was a little too early to break; it was almost impossible to get teams to break at that time.

Q. Did the breaking on these other claims average as much as it did on yours?—A. No, sir; I do not think it did; there was no breaking done at all on some of the claims.

Q. As to other improvements, were they about the same sort you have described?—A. Yes, sir; just about.

Q. Outside of this strip of bottom land you have described, how was it as to other land in that vicinity being taken up?—A. I am pretty well acquainted with the country on this side of what we call the big bend, about 40 miles down, and the country east of Canning. Those townships in there were generally taken up, and the claims more or less improved, with some fair houses on them.

Q. In reference to the improvements in that vicinity that you speak about, was the prevailing improvement what you have already described as a shack?—A. The prevailing improvement was a shack.

Q. How was it as to breaking in that part of the reservation?—A. There was more breaking, not more at that time, but more improvements since.

Q. I mean up to the time President Cleveland issued his proclamation.—A. The improvements were better as a whole; there were better houses; some good houses.

Q. I am speaking as to the breaking?—A. There was about the same amount of breaking.

Q. I will ask you whether or not the prevailing style of house there was the shack?—A. The prevailing house was the shack.

Q. You spoke of some better houses being built. How many and what was their character?—A. O, I saw perhaps a dozen houses that would cost from \$100 to \$150.

By Mr. JONES:

Q. Were these houses in the township east of the one you were in?—A. They were north, right in this township *there* [witness referring to map].

Q. You would describe it generally as the township lying north of where you were?—A. Yes, sir; east of Canning and a little south.

Q. Can you give the township you located in?—A. I stated it was the northeast quarter of section 34, township 110, range 76. I was in the southeastern part of the township.

Q. And these people you are speaking of now were in the same township north of you, up towards the line?—A. Yes, sir.

Q. They were not east of you?—A. No, sir; they were in the same township I was in, I think; I could not tell, however, without a sectional map.

Q. The townships run north and south, the ranges east and west?—A. Yes, sir.

Q. You were in township 110, range 76?—A. Yes, sir; township 110 north, range 76 west.

By the CHAIRMAN:

Q Was any part of that land occupied by Indians; that is, cultivated or enclosed?—A. No, sir; I can state in a very few words what was occupied by the Indians.

Q. I wish you would.—A. At Rosseau, 15 miles from here, there were a few Indian huts, three or four.

Q. How near was that to your location? In the same township?—A. No, sir; it was not; it was in the adjoining township, about 7 miles away. Rosseau is in township 110 north, range 77 west.

Q. Describe the character of the improvements the Indians had there.—A. They had some log huts, pretty good huts.

Q. Was any of the land under cultivation?—A. They had, perhaps, 5 or 6 acres broken.

Q. You mean to each hut?—A. No, sir; I mean altogether. They lived right near Rosseau. Rousseau's brother, I think, is married to a squaw.

Q. Those were the nearest Indians to you that had made any improvements?—A. Yes, sir; those were the nearest, and the only, Indians I know of. There were some "squaw men" as we call them.

Q. (Interrupting.) You mean by that a white man married to a squaw?—A. Yes, sir; one, a man named Bury, was within 3 miles of us.

Q. Did he have a place there where he cultivated some ground?—A. He had under cultivation, I should judge from 1 acre to 2 acres. I might say that these Indians, who had those huts, cut and sold timber.

Q. They were engaged in cutting cord-wood and bringing it into Pierre for sale?—A. Yes, sir; but sold most of it to Rousseau. When you were coming down on the railroad you probably saw great piles of wood there on the right side of the road. Down further there were some men, squaw men, a man named Jones and a man named Bill Gillan, who had some improvements.

Q. They were about how far from your location?—A. O, 2 miles, Bill Gillan was a little nearer my place than that, a mile and a half from me perhaps.

Q. Did any of these Indian claims encroach upon your quarter-section?—A. No man took up any claim that an Indian had or laid claim to. I was down there among the first, as soon as anybody, and there was not one iota of improvements made by the Indians other than I have described.

Q. This location of yours was in what is called the Winnebago Reservation, up towards this end?—A. Yes, sir.

Q. Are you familiar with any other parts of the reservation. Were you over it about that time?—A. Yes, sir; I was over it as far as what is called the big bend.

Q. What is called the forty-mile bend?—A. Yes, sir.

Q. What is the character of the land in that big bend?—A. Bottom land, very fine bottom land.

Q. Was the bottom about the same width you have spoken of; about two miles?—A. No, sir; it is quite a little wider down there. First, there is the old river bottom, then a bench, and other benches, which is all called bottom land until the prairie is reached.

Q. You call it first, second, and third benches?—A. Yes, sir.

Q. When you spoke a while ago about bottom land. Did you refer to the land in those benches?—A. No, sir; to the valley where I located. It was a gradual slope there with hardly any benches.

Q. What portion of the land in the big bend is tillable land, and what portion grazing land?—A. It is nearly all tillable, I should say. Some

of it might be a little rough, but in the East we would call it tillable land. In this country when land is a little rough people are inclined not to call it tillable, but I would call it tillable. It is all very fine grazing lands.

Q. That whole bend contains very fine grazing land, does it not?—A. Yes, sir; very fine grazing lands.

Q. It is so located as to be peculiarly adapted for that purpose, is it not?—A. Yes, sir; I should consider it as very fine land for stock.

Q. It is so situated that cattle can be put there and herded with but little trouble?—A. Yes, sir.

Q. What settlements were made in that big bend?—A. I did not settle in there, and all I know about it is from traveling over it. The land along the river was generally taken up and pretty well improved.

Q. When you say "pretty well improved" do you mean it was improved about like yours?—A. Slightly better.

Q. Were the houses about the same?—A. Yes, sir; I am speaking now of last spring.

Q. Yes; that is what I mean.—A. The improvements were about the same at that time, but since then they have made more improvements.

Q. Can you give the committee any idea as to the number of settlers and persons who went on the reservation after President Arthur's proclamation?—A. You mean on the whole reservation?

Q. So far as you know.—A. It would be only a guess.

Q. We do not want you to guess as to those parts of the reservation you did not visit at all, but you can give an estimate of the number of persons in those parts of it you rode over in the vicinity of the big bend and other places?—A. I can estimate it by counting up the sections, and that is the only way I can do it. I will say this, that taking all the rough land and smooth land, fully one-half of the land had shocks on it, and in some places where it was nice land every quarter had a schock on it. Of course there is a good deal of rough land in the reservation.

Q. About what proportion of rough land is there?—A. I should say fully one-third of the land is rough, up hill, too rough for farming.

Q. Are you speaking now of the whole reservation?—A. No, sir; just the Winnebago Reservation this side of the big bend.

By Mr. JONES:

Q. You do not mean your answer to apply to the entire Winnebago Reservation?—A. No, sir; I will describe it here from the map (witness referring to map of Dakota). The rough land would be in sections 27, 28, 29, and 30 through there.

Q. You said a while ago that there was a settler on every quarter-section of the nice land. Now, how much of the reservation do you intend to include in that answer?—A. The same township I located in township 110 north, range 76 west.

By the CHAIRMAN:

Q. What I want to know, is the character of that land. You have stated that about one-third of it is rough untillable land?—A. Well, say one-quarter of it.

Q. A quarter of the reservation?—A. Of the township I was in.

Q. Is that true of the adjoining townships?—A. I should say it would be true of the townships east of the one I was in. Perhaps there would be a little more tillable land in that township because there are two creeks running through it.

Q. Do you know of any other townships there where about the same proportion prevails between the tillable and untillable land?—A. There



are other persons present who can speak more intelligently in regard to that.

By Mr. JONES :

Q. Do you know anything about the township directly east of the one you have spoken of, viz, township 110, range 75 ?—A. Yes, sir.

By the CHAIRMAN :

Q. What is the character of the land in that township ; about the same as that you have spoken of, one-third to one-fourth rough land ?—A. About that. Some of this land is very valuable for stock raising, because two creeks run through it.

Q. The untillable land is almost all grazing land, is it not ?—A. Yes, sir.

Q. And if it is well watered especially valuable for that purpose ?—A. Yes, sir.

Q. Do you know whether those men that went on the reservation with you took claims up on their own account, or whether they took them upon the employment or as the agents or representatives of others with a view of selling them out ?—A. There was one man that took a claim on account of another who was not able to go down that night on account of sickness, but afterwards kept the claim himself.

Q. He went down at first as the representative of the man who was sick and could not go himself.—A. He was not sick, but he was a doctor and had a patient in a delicate condition.

Q. And he could not go ?—A. He could not go.

Q. This man went in his place and afterwards kept the claim himself ?—A. The doctor went down afterwards and looked the claim over, but the original settler is, I believe, on the claim to-day, and intends it for himself.

Q. He went on there, however, under a contract ?—A. I do not think there was any contract.

Q. Under an agreement then with this doctor that he would go and take up a claim as his representative ?—A. For a day or so, yes, sir ; we went down Saturday night, and the doctor came down the following Wednesday.

Q. Do you know of any other cases of that kind, either among those that went with you or among the other settlers ?—A. Those who went with me, so far as I know, went down there as *bona fide* settlers, and when they did not get the land they wanted they came back and left it without leaving any representative, covering them up, or anything of that kind.

Q. Passing from this company that went with you to others, what do you know as to whether any of the other settlers who went in on the reservation went there as the representatives of others with the view of pre-empting the land, and then turning it over to other people ?—A. I do not know of anybody. I will state this : There was undoubtedly a few cases where men went down there with the purpose of pre-empting land and holding it for the time being, with the intention of selling out. They did not go there as the representative of anybody, but simply on their own account, to take up and hold for the time being, hoping to sell out at a profit of \$15 or \$20. Such cases were, however, rare.

Q. Do you know of any cases that you have reason to believe were of that kind ?—A. I did not have reason to believe there was more than half a dozen such cases in those two townships.

Q. So far as you know, the other settlers were all *bona fide* ?—A. They were generally *bona fide* settlers so far as I know.

Q. Was the news of the opening of the reservation concealed in any way at Pierre. Was it given out publicly, or was it only known to a few?—A. I think it was pretty generally known within an hour or two after the news came. I know that on Sunday morning the reservation was pretty well covered with people.

Q. Where did they come from?—A. From Blunt, Canning, and Pierre.

Q. From this end of the reservation?—A. Yes, sir.

Q. Did the most of those people already have land in the Territory somewhere?—A. I could not say as to that. I think undoubtedly many of the older settlers had other land, but I do not know.

Q. These lands were taken up under the pre-emption laws, were they?—A. Some were and some were not; some of the men had undoubtedly used their pre-emption right or homestead right. I heard some of them say, "I shall take a homestead"; others, "I shall take a pre-emption"; others, again, might have only one right left. I do not know of anybody, but some might have had only a tree-claim for all I know. I do not know of any such persons.

Q. You don't know of any tree-claims being taken up there, do you?—A. I have no doubt some would have taken tree-claims.

Q. Have you any personal knowledge of any?—A. I have a knowledge of one man who located on a quarter section that said he might make a tree-claim of it; but he had not used any of his rights so far as I know.

Q. Are there any other facts that you know in reference to the question of the settlement of this reservation, or of interest to the settlers who went in there, that you desire to state to the committee?—A. I want to say to the committee, that if it is trying to get at the expense of the improvements made by the settlers, that the simple statement of the cost of a shack and the cost of breaking does not represent the cost at all.

Q. You have not stated what the breaking cost per acre?—A. It cost \$4 per acre.

Q. Now, you may go on.—A. I would say that the expense over and above that is quite considerable. I kept an account of my own expenses, and expended exactly \$100. I paid that much money out. My improvements cost about \$60.

Q. It cost you \$60 for your shack and breaking, and the balance of your expense was for your living?—A. Yes, sir; we had to pay for livery teams to go down there, and we had to come back occasionally to buy provisions.

Q. Of course, the expense of living was one you had to keep up wherever you were?—A. Yes, that is true enough, but we would have been earning something elsewhere. I am not speaking of myself, for I was doing something at home; but many others were not making anything.

Q. Do you know of any cases of suffering among them, or were they men who were generally able to take care of themselves?—A. Suffering at what time—after the closing of the reservation?

Q. Yes, sir.—A. I know of some men who were pretty hard up. I know of one man, that came from Iowa, named George Bartlett; he sold out in Iowa, came out here, settled on the reservation, and had broken seven or eight acres and put it in crops when the order came closing the reservation. He did not feel that he could go on, and came to Pierre without a cent. He came to me for a little money; he wanted \$15 to start with.

Q. Did you complete your statement a moment ago in answer to my question whether there was any other fact that you thought it important we should know?—A. I would like to have you notice this in regard to improvements. The *bona fide* settlers, the men who went on this reservation early in the spring, put on all the improvements they could; they put up shacks and got ready to break, but before they could make other improvements the order came for them to stop. Some have since removed their shacks, as they did not have money to stay there and did not dare to risk it.

Q. Can you tell us what proportion have taken away their shacks?—A. I cannot.

By Mr. JONES:

Q. You spoke of some houses being built on the reservation that cost from \$100 to \$150, I believe?—A. Yes, sir.

Q. When were they built?—A. Almost at the time of the opening of the reservation.

Q. How long would it take to build a house of that character?—A. It would take from three to four or five days, if there were men enough at it. Usually at such times a man can get all the force he wants to do the work.

Q. They were built before the issuance of President Cleveland's proclamation closing the reservation?—A. Yes, sir; they were built right near Canning, only 3 or 4 miles from there, where there was no difficulty in hauling lumber. You will also find some good houses near the big bend.

By the CHAIRMAN:

Q. I believe you are acting as the representative of the other settlers?—A. I was elected president of the association.

Q. That association consists of the settlers on the Winnebago Reservation?—A. Yes, sir.

By Mr. INGALLS:

Q. When was that association organized?—A. What day was the proclamation issued; was it the 17th day of April?

Q. Do you mean President Cleveland's proclamation?—A. Yes, sir.

Q. It was some time about the middle of April, 1885?—A. It was organized a few days after that proclamation was issued; we got the news Saturday night and we organized the following Monday.

Q. State what you did?—A. We called a mass meeting of the settlers at Pierre.

Q. By whom was it called?—A. By half a dozen settlers.

Q. Was it done by hand-bills?—A. Yes, sir; I think so.

Q. What notice was given of it?—A. You mean in the town?

Q. How long before the organization was the notice issued?—A. I think the notice was issued the same day.

Q. The same day the meeting was held?—A. Yes, sir; but we gave notice in town Saturday that we should hold such a meeting.

Q. Who gave out such a notice?—A. The half dozen persons I spoke of in Pierre.

Q. You called a mass meeting of the settlers on the Winnebago Reservation?—A. Yes, sir.

Q. For what purpose; as indicated in your hand-bills?—A. I can furnish you with a copy of the hand-bill.

Q. Please do so. State in general terms what the purpose was?—A. Our purpose in general terms was to see what measures could be

adopted that would secure our rights. We elected an executive committee at that meeting.

Q. Where was that meeting held?—A. In Pierre.

Q. In a hall?—A. Yes, sir.

Q. How many were present?—A. There must have been one hundred in the hall, but they were not all settlers.

Q. How many settlers attended?—A. Thirty or forty.

Q. The meeting organized by selecting who as chairman?—A. I was selected as chairman.

Q. Who was made secretary?—A. H. E. Dewey.

Q. How long a meeting did you hold that evening?—A. An hour or an hour and a half.

Q. What did you do?—A. We discussed the question and elected an executive committee.

Q. Was the discussion excited or temperate?—A. It was temperate, but *very* earnest.

Q. There were no threats or denunciations of any kind?—A. None that I know of. There might have been some such expression.

Q. There were no violent demonstrations?—A. No; I think not; except by one man. He was a little excited, but was put down after while.

Q. You appointed an executive committee, you say?—A. Yes, sir.

Q. Consisting of how many members?—A. Of the officers of the association and five others.

Q. Who were they?—A. I was one, H. E. Dewey, R. E. Gregory, Mr. Bunning, Mr. Gross, and Mr. Bansom. I do not recollect the others now.

Q. What duties were confided to this committee?—A. They were to have general charge of the business, and decide upon the best course of action after conferring with other similar organizations. I can go on and state what we did.

Q. Please do so.—A. The next day we met in committee and issued a hand-bill, which we sent to Chamberlain and all the different towns round about, a copy of which I will furnish you, and we called a meeting to be held in Pierre at a given time.

Q. Another mass meeting, or a meeting of the committee?—A. We asked that each town send a representative to Pierre, to meet together at a given time, and also requested that money be raised to defray expenses, and this committee afterwards met.

Q. When was that?—A. It was in the first part of May.

Q. You met as an executive committee, then?—A. Yes, sir; we met as an executive committee.

Q. Did you have a constitution and by-laws?—A. Yes, sir; we had a constitution.

Q. Was that printed?—A. Yes, sir.

Q. Will you please furnish us a copy of that also?—A. Yes, sir; I will do so.

Q. Were signatures invited to your constitution?—A. Yes, sir.

Q. A membership consisted in signing it, I suppose?—A. And paying a fee of \$1.

Q. Was any other provision made for paying funds?—A. Not at that time. We afterwards met representatives from Harold and Canning, and possibly from Blunt and Highmore, either in person or by letter, and we reorganized by taking these persons into our executive committee, and agreed upon a certain course of action.

Q. Was that course of action embodied in any declaration of principles?—A. Perhaps we might furnish you a copy of the minutes.

Q. Were any resolutions adopted?—A. Yes, sir; we had resolutions.

Q. I wish you would furnish the committee with a copy of all the proceedings, so we may know exactly the course adopted by the association in connection with this reservation.—A. I will furnish the committee with all the papers. (See appendix, Exhibit A.)

Q. How much money was raised?—A. Not very much; perhaps fifty or fifty-five dollars.

Q. Enough to defray the expenses of printing, I suppose?—A. Yes, sir; some of the money is still in the treasury.

Q. Is that association still in existence?—A. Yes, sir; it is.

Q. Still active?—A. No, not particularly active, but we meet whenever there is occasion for it.

Q. The organization is continued alive?—A. Yes, sir.

Q. Were a majority of the members of that association, at the time it was organized, permanent residents of the Territory of Dakota?—A. Yes, sir.

Q. Do you know of any settlers who had come here from distant portions of the country for the purpose of going on the reservation?—A. Yes, sir; I know some.

Q. But as a rule the people that went on the reservation were men who had previously resided in the Territory and had occupations?—A. Those that generally came under my observation had previously resided in the Territory, but I know of some instances where they came from the East. I know of other instances where they had been here for some little time looking for a settlement.

Q. Were they mostly forehanded men?—A. No, sir; they were single-handed men.

Q. Without means of support?—A. Yes, sir.

Q. Had they any capital at all?—A. Very little.

Q. Were they men of family?—A. Some of them; there were more or less single men among them.

Q. Where are the majority of them now?—A. Scattered. I don't know where they are.

By the CHAIRMAN:

Q. About how many of them are still on the old Winnebago Reservation?—A. It would be hard to estimate. Down at the Big Bend they have maintained their settlements pretty well. I think a very small proportion left.

By Mr. INGALLS:

Q. Those who remained are still carrying on their farms?—A. Yes, sir.

Q. Have they made any permanent improvements besides the houses they live in and barns or stables?—A. Yes, sir; they have done breaking and put in crops.

Q. Has there been any violence on the part of the whites towards the Indians on the reservation in consequence of those settlements?—A. Not that I know of.

Q. I believe you said a while ago that no Indian on the reservation had been dispossessed of his claim?—A. I know of no such case. I might say here that the Indians I spoke of a while ago that were near Rousseau, a little station down here, have left, and rumor says that Rousseau bought them out. I know nothing about that.

Q. Is there a disposition among those on the reservation now to invite



the employment of force to expel them?—A. Do you mean those settlers who have remained on the reservation? I do not know as I understand your question.

Q. Yes, sir; do they expect to have any force employed against them?—A. I think they do.

Q. Is that spirit encouraged by your organization?—A. Somewhat.

Q. You are organized, then, for the purpose of encouraging those people to remain on the reservation until they are forced off?—A. We said this in our letters; that we should use all legal means—no unlawful means, but all lawful means—to secure our rights, and our design was that if we were forced off the reservation, and had the opportunity and means, to bring the question into court.

Q. You do not intend, nor do not recommend, any forcible resistance to the President's proclamation, do you?—A. No, sir; I think it is the disposition of every man to leave at once the minute the military appears.

Q. But you think they do not intend to leave until the soldiers go down into the reservation?—A. I do not think they will leave until the soldiers appear.

Q. Suppose these settlers are dislodged and dispossessed by the military, is it your opinion that the settlers will return again?—A. I think very likely they might.

Q. Would such a course be recommended by your association?—A. I think we would recommend it. I am only speaking for myself. It is almost impossible to tell what they would do.

Q. Is that the general feeling—the prevailing sentiment?—A. I have heard it talked of more or less, but all they desire to use is lawful means; they feel that President Cleveland's proclamation was issued unlawfully; that rights did attach and that they have a perfect right there, and can only be dislodged in another way—by the courts, for example.

By Mr. JONES:

Q. They think they have a right to stay on the reservation; that President Cleveland's proclamation was illegal?—A. Yes, sir; that President Arthur's proclamation was legal and President Cleveland's illegal. They may be wrong, but that is the feeling, perhaps prompted by their own interests.

By the CHAIRMAN:

Q. You say it is your determination, and that of others, to use nothing but legal means, and yet you say you would counsel the settlers to return to the reservation after being dispossessed by the soldiers as legal?

Q. By Mr. JONES (interrupting). And would consider it also legal for them to remain there in defiance of law?—A. What the settlers want is this—

Q. By the CHAIRMAN (interrupting). What you meant to say was you do not propose to use force or violence, but whatever you can do without conflict you will do?—A. Yes, sir. We think President Cleveland's proclamation was issued illegally and hastily, and we propose to use every means in our power except violence to maintain our position.

By Mr. INGALLS:

Q. That is to say, you do not intend to obey the proclamation of the President peaceably?—A. I suppose you would call it so.

Q. Is it so or not?—A. I suppose that is what you would call it, unless we get right off and leave there.

Q. You do not intend, as I understand you, either personally or through your organization, to obey the proclamation of the President of the United States?—A. It has not been our intention to obey it.

By the CHAIRMAN:

Q. I understand you to say that you think that in the event of your being dispossessed by the soldiers you would then have an opportunity to test the question in the courts?—A. We do not know but what we would. We have not much money. If we had funds we would test the question. We have a strong disposition to do it.

Q. How do you expect to raise the question; by allowing some of your members to be arrested and try a writ of habeas corpus?—A. The lawyers we had talked of an injunction.

Q. An injunction enjoining the Army?—A. Yes, sir.

By Mr. JONES:

Q. Was it your intention in making your selection of land, so far as your own case was concerned, to make it your home?—A. I intended so to do.

Q. You intended to live on it?—A. Yes, sir. I will state exactly what my own intentions were. My business is such as would perhaps lead one to think that I did not intend to stay there in good faith. I loan money—represent a company—but I thought I could take a claim down there at a central point, and in six months or so it would be a very good place to open an office. I thought I could have an office there and here, too, letting my partner or somebody else, run my office here. I thought it would be a better point for business down there than here. I have no land, so far as taking up land is concerned, but have bought some since. I intended to settle on that land in good faith. I did not take my family, consisting of a wife and one small child, onto my claim, because it was too early in the spring, and I could not take them down there then among all the men, but I did intend to take them in a short time.

By the CHAIRMAN:

Q. Under the pre-emption law how long do you have to remain on a claim before you get a title?—A. Six months.

Q. After that time you would regard yourself as free to make any disposition of the land you pleased?—A. Certainly.

Q. How many of these settlers that you know were similarly situated to yourself; that is, having a business here at Pierre. You spoke of one being a physician?—A. He did not take any claim.

Q. He sent somebody to take a claim for him?—A. He thought he could hold it, but found he could not.

Q. Take the other nine persons in your company that you have spoken of, and tell the committee what their occupations were here at Pierre?—A. One was a carpenter, but there was no work for him here. Gregory was not in business.

Q. Had he been in any business?—A. He had been in business but had burned out.

By Mr. JONES:

Q. Had he ever farmed?—A. I could not state.

By the CHAIRMAN:

Q. Well, as to the others?—A. Some were workingmen. Mr. Johnson was engaged in similar business to myself.

Q. Had he a partner?—A. He was a member of our company.

Q. What company?—A. The Dakota Loan and Trust Company.

Q. Was he the partner you spoke of a while ago?—A. One of my partners.

Q. How many partners are there in that company?—A. Three

Q. Did he have the same intention you had in going down there, viz, to continue the loan business and open an office?—A. He intended to continue it. I will say this in regard to that land: It was not my intention to sell the land as soon as I got through with it. I bought a team, wagon, plow, and everything necessary to improve the land. When the reservation was closed and we were ordered off, of course I sold these things. It was my intention to improve the land, and that was his intention also.

Q. In order to make the settlement *bona fide* you intended to remain six months, making it your home during that time, and then continue to hold and use it?—A. That was my intention; to hold it as an investment. I thought it was a valuable piece of property, and do yet—all the property in there.

Q. Have you named all your associates who went in there?—A. A great many went in there. I am only speaking of those from West Pierre that went with me.

Q. I mean only those from West Pierre?—A. I might possibly name others.

By Mr. JONES:

Q. Did you call a mass meeting of settlers at Pierre because there were more settlers there than there were on the reservation?—A. It was a central point.

Q. Were not most of the settlers on the reservation at the time the meeting was called?—A. Yes, sir; most of them were on the land at that time, but we sent word down to the reservation—to Chappelle Creek and the Big Bend—and they had a meeting at the Big Bend and also at Chappelle, and sent delegates to Pierre.

Q. They held meetings, then, on the reservation?—A. Yes, sir; they did. Most of the meetings were held on the reservation; but a representative meeting had to be held in a central place, and we thought Pierre was a good place to hold it. We made our headquarters here, as we could not get any communication with the reservation except to send down, which would take one day to go down and one day back.

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*Testimony of Stephen F. Gross.*

STEPHEN F. GROSS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. My family is in Potter County, Dakota.

Q. Is that still your home?—A. Yes, sir; unless I am allowed to stay on the reservation.

Q. Where is Potter County?—A. Sixty miles north of here.

Q. What was it you said about the reservation?—A. My home is now in Potter County, unless I am allowed to stay on the reservation.

Q. What has been your occupation?—A. I have been farming it for the last two years.

Q. Up in that region?—A. Yes, sir.

Q. Do you own a farm up there?—A. I do.

Q. Is it a homestead or pre-emption?—A. Pre-emption.

Q. How much of a farm have you there?—A. One hundred and sixty acres, but only 40 acres broken.

Q. You took a pre-emption claim of 160 acres?—A. Yes, sir.

Q. You have merely your pre-emption claim there with 40 acres broken on it?—A. Yes, sir.

Q. You were one of the persons that went into the Winnebago Reservation as a settler?—A. Yes, sir.

Q. How was your attention attracted to the fact that the reservation was open?—A. I am by trade a printer, and was employed here at Pierre working at my trade. I had tried farming for two years up in Potter County, nearly 50 miles from a railroad, and could not make it pay; it was too far to haul my crops; so I thought I would take up a homestead down on this reservation close by a railroad, and when I received the news of the opening of the reservation Saturday evening I went down there with others and selected a claim.

Q. How did you get the news?—A. I was told that Delegate Raymond had sent a message to a man named Peter Johnson.

Q. Who was Peter Johnson? A resident of Pierre?—A. Yes, sir.

Q. Was that information given out generally?—A. Yes, sir.

Q. And you heard it from Johnson or from others?—A. I heard it from Johnson.

Q. Had you previous to that time made your arrangements to go down there and were only waiting to get the information?—A. We expected that the reservation would be opened before President Arthur's term expired; but we had not made any particular arrangements because we did not know whether it would be opened or not.

Q. What was that expectation based on? Had you received news that it was likely to be done?—A. Nothing except what appeared in the daily papers.

Q. You were expecting that it would be opened before the expiration of President Arthur's term, and were considering whether or not you would go down and take a claim?—A. Yes, sir.

Q. That proclamation was issued on the 27th of February, 1885, was it not?—A. Yes, sir.

Q. How soon after that did you start down there?—A. I drove down there that same night.

Q. The same night the telegram was received here?—A. Yes, sir.

Q. How many of you went together?—A. Three of us went.

Q. You gave up your place in the printing office, did you?—A. I did not give it up. I told them I was going down there and they could put a man in my place for the time being.

Q. And they put a man in your place, and you went down in the reservation with two others?—A. Yes, sir.

Q. Who were the two others?—A. One was a traveling man who just happened to be in town. He said if he could get a good claim he would quit traveling.

Q. What was he traveling for?—A. A sirup house in Dubuque, Iowa.

Q. What was his name?—A. Fred. Gunkel.

Q. Was it the first time you had met him?—A. Yes, sir.

Q. Who was the other man?—A. Mr. Kretschmer.

Q. What position did he hold?—A. Clerk of the court here.

Q. Was he clerk at that time?—A. Yes, sir; and still is.

Q. Do you know when his term expires?—A. With Judge Smith's term, I guess.

Q. He was appointed by the judge?—A. Yes, sir.

Q. How long is Judge Smith's term? Four years?—A. I don't know.

Q. You don't know when the judge's term expires? He was an appointee of the judge, and will continue in office as long as Judge Smith continues his appointment?—A. Yes, sir.

Q. Well, you say you went down to the reservation that same evening. How did you go? Did you hire a livery rig?—A. Yes, sir.

Q. Did you take anything with you?—A. We took something to eat and a couple of blankets.

Q. Where did you go?—A. We drove as far as Rousseau that night, right on the border of the reservation.

Q. Then the next morning where did you go?—A. We started at day-break, and drove down and selected pieces of land.

Q. Whereabouts?—A. About five or six miles below Rousseau.

Q. In what section, township, and range?—A. Section 29, township 110, range 76.

Q. The three of you took up three contiguous quarters, did you not?—A. Mr. Gunkel did not take a claim; he intended to, but found he could not hold it unless he squat on it. Kretschmer and I took adjoining claims.

Q. What did you do after that?—A. We purchased some lumber. In the first place we staid there that night in another man's shack, who had brought his lumber along with him. When we got there that morning another party was just ahead of us two or three minutes and claimed the two quarters we had. They were on the other side of the creek and we were on this. They had lumber with them and put up a shack. I told them we had those quarters and they had better buy us out and we would go somewhere else. They concluded to sell out to us and get other land, and I paid them \$25 for the two quarter-sections. They had lumber right with them and had a little the advantage of us, so we thought we had better settle it in that way.

Q. What is the character of the land you took up?—A. It is on the second bench from the Missouri River, and slopes up against the hills, mostly level.

Q. Is it rich land?—A. Yes, sir.

Q. When you got you lumber there what sort of improvements did you make?—A. We held this shack there, and staid there and sent back—

Q. (Interrupting.) Held what shack? Did you get this lumber from these men?—A. Yes, sir.

Q. The \$25 you paid bought their claims and lumber too?—A. Yes, sir; and we sent back a few days afterwards and got 1,200 feet more lumber.

Q. What did that cost?—A. That cost us, with the hauling, \$29.

Q. Did you put up two shacks there?—A. Yes, sir.

Q. With the lumber you bought of these men, and that you bought in town, you put up two shacks?—A. Yes, sir.

Q. Of what size?—A. 8 by 12.

Q. What was the lumber you bought of these men worth?—A. I do not think it was worth more than \$5 or \$6.

Q. Delivered down there?—A. No; it cost \$10 to haul a load down there.

Q. That lumber was worth \$15 then?—A. Yes, sir; I should judge so.



Q. You put these shacks up, and went to sleeping in them did you?—  
A. Yes, sir.

Q. Did you each sleep in your own place or bunk together?—A. Once in a while each slept on their own place, but we generally bunked together.

Q. Did you do any breaking?—A. Not at that time; I went home and got my oxen and plow.

Q. You went back to your farm in Potter County?—A. Yes, sir; and brought them down, and did some breaking. I also hauled two loads of lumber from Blunt to build a house.

Q. About what was the value of that lumber?—A. It cost me \$38 without the hauling.

Q. Did you build a house?—A. No, sir; I just hauled it there and had made arrangements at Blunt for a team to go to my place and haul my household goods when I heard of President Cleveland's proclamation.

Q. What was the distance from Blunt to your claim?—A. Ten miles.

Q. Did you put up this house?—A. I did not.

Q. Had you done any breaking before you heard of President Cleveland's proclamation?—A. I had.

Q. How much breaking had you done?—A. Probably one acre.

Q. Did your partner do any breaking on his place?—A. I did not do any breaking there, but he had some done, about one acre.

Q. When you heard of President Cleveland's proclamation what did you do?—A. I immediately notified my family not to come; they were then on the way, and they went back. Then I hauled what lumber I had there back to Blunt, as I had no use for it, and I did not know but what the Indians might destroy it.

Q. Did you haul back the lumber that was in the shacks or just the lumber you had not used?—A. The lumber I had not used.

Q. You left your shack standing there?—A. Yes, sir; and it is there yet.

Q. Did your partner leave his there too?—A. Yes, sir.

Q. Did you both leave the reservation when you heard of President Cleveland's proclamation?—A. We did.

Q. And have not been back since?—A. Yes, we go back occasionally.

Q. But you have not lived there since?—A. No, sir.

Q. Has your partner been living there since?—A. He has been going there off and on.

Q. Did either of you put any crop in?—A. Yes, sir; each of us put the acre we broke into potatoes.

Q. Have you been cultivating it at all since?—A. No, sir.

Q. Can you tell us of any other settlements or improvements in your neighborhood? How near were you to Mr. Southerland?—A. I should judge Mr. Southerland was a mile or a mile and a half down the river from me.

Q. In your own neighborhood there do you know of any improvements outside of those he told us about?—A. My neighbor to the south was a man without any means, and he started in as soon as he could with a spade and spaded up about one acre of ground and put in a crop. He had a log shack, dug it out partly, and then put up sides.

By Mr. JONES:

Q. What was his name?—A. Theodore Wilde.

By the CHAIRMAN:

Q. Did he leave the reservation when he heard of the proclamation?—

A. He left and is now working at Pierre for the water works company.

Q. What was the value of the shack he put up?—A. It would be hard to estimate it; probably \$20 or \$25.

Q. Well, who was your next neighbor?—A. My next neighbor was Mr. Roth.

Q. What improvements did he make?—A. He put up a shack 8 by 12, dug a well some 25 feet deep, and did 4 or 5 acres of breaking.

Q. Is he still there?—A. No, sir; I guess he has joined the Army again. He had been soldiering for ten years and had just been discharged from the Army.

Q. He left everything he had and went back and joined the army?—A. He took his shack down, built a boat out of it, and went down the river.

Q. Did you have any other neighbors there?—A. There was Mr. Brong, who had several acres of breaking there and a shack. He did not put in any crop that I know of.

Q. Is he still staying there?—A. No, sir; he has rented some land up north and is farming it there this summer.

Q. Did he take his shack down or leave it there?—A. It is there yet.

Q. Had you any other neighbors, or was this about the character of the improvements made?—A. The improvements I have described was about like all of them—some broke more and some less.

Q. Some broke more land and some built larger shacks?—A. Yes, sir; some put up houses.

Q. How many houses do you think you saw there on the reservation?—A. You do not mean shacks?

Q. No, sir; I mean what you would call a house.—A. When I came from Canning I noticed quite a number of them there, and there was quite a good house on a claim east of me.

Q. About what would that house cost?—A. I should judge that house cost the man several hundred dollars. He has, however, taken it down and moved it off.

By Mr. JONES:

Q. What was his name?—A. I do not know his name; I merely saw the house.

Q. Do you know the land the house was on?—A. Yes; I believe I can tell. I think it was the southeast quarter of Sec. 28, T. 110, R. 76.

Q. What was the number of your land?—A. SE. 20, T. 110, R. 76.

Q. His place was just a mile from yours?—A. Yes, sir.

By the CHAIRMAN:

Q. Your intention was to locate upon this land and live there with your family?—A. Yes, sir.

Q. And you say they were actually on their way to join you there at the time President Cleveland's proclamation was issued?—A. Yes, sir.

Q. Are you a member of the settlers' association?—A. I am.

### *Testimony of William H. McNutt.*

WILLIAM H. McNUTT sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. On the Winnebago Reservation.

Q. When did you go there?—A. About the 8th of March, 1885.

Q. Where had you been living prior to that time?—A. I was stopping in Sully County, north of here about 18 miles.

Q. When did you get information, and how, that the reservation was open?—A. I read it in the daily papers.

Q. You first saw it in the daily papers?—A. Yes, sir.

Q. You then started for the reservation. Did you take up a claim there?—A. Yes, sir.

Q. Had you previously taken a homestead or pre-emption claim?—A. I had pre-empted 40 acres. At the time I came out here there was no vacant land except I found 40 acres vacant, and I took that and waited for this Winnebago Reservation to be opened.

Q. Did you farm that claim any?—A. To a certain extent.

Q. Were you in any other business?—A. I was in the coal business.

Q. Have you a family?—A. Yes, sir.

Q. Did you take them with you onto the reservation?—A. Yes, sir.

Q. When you first went there?—A. Yes, sir.

Q. Did you take your household goods with you when you went there first?—A. Yes, sir.

Q. What part of the reservation did you go to?—A. To the mouth of Chappelle Creek.

Q. How much land did you take up there?—A. One hundred and sixty acres.

Q. Did you make a pre-emption or homestead claim?—A. A homestead.

Q. Was it good tillable land?—A. Yes, sir; there is timber on the land; about one-half timber.

Q. That made it still more valuable?—A. Yes, sir.

Q. What kind of improvements did you make there?—A. I put up a log house, 14 by 24, sealed it up, and dug a sort of cellar. I cut poles for fencing, broke about six acres, and cut poles for a stable.

Q. Did you have some stock with you?—A. Three ponies.

Q. How did you do your breaking?—A. I changed work with my neighbors.

Q. You use cattle for that mostly, do you not?—A. No, sir; we use horses; at least, I did.

Q. What was the value of your improvements?—A. It would be a hard matter to state. Hauling lumber was rather expensive; the expense for teams and everything was pretty heavy. The lumber for my house cost me about \$80, to say nothing of the work.

Q. What do you think your total expenses were, taking into consideration the expense of hauling your lumber, your breaking, and everything?—A. Probably not far from \$200.

Q. That, of course, includes pay for your own work?—A. No, sir; I do not count in that any pay for my own work.

Q. What I want to get at is, what was the total value of your improvements, including breaking and everything, if you hired it done?—A. Probably \$250.

Q. You still remain upon your claim and have your family there?—A. Yes, sir.

Q. Have you done any more breaking?—A. I have done some breaking, but it has been rather dry. I had contracted or arranged to have 40 acres of the tillable land on the claim broken, and I would have had it done and a crop in if it had not been for President Cleveland's proclamation.

Q. How near are you to Mr. Sutherland's claim?—A. I should judge I was  $3\frac{1}{2}$  or 4 miles from it.

By Mr. JONES:

Q. Do you know the number of your land?—A. Yes, sir.

Q. What is it?—A. Fractional lots in sections 1 and 6, and 40 acres in section 1, southeast quarter, on the Missouri River, township 110, ranges 75 and 76.

By the CHAIRMAN:

Q. I suppose when you got there the land was pretty well taken up and you picked up three fractional pieces?—A. Yes, sir.

Q. How many settlers are there on the reservation now, that you know of?—A. A family named Goodwin are on the claim adjoining mine; they came there at the same time I did, and are there yet.

Q. Where did they come from?—A. Pierre.

Q. They have been there ever since, you say?—A. Yes, sir.

Q. What improvements have they made?—A. Breaking.

Q. How much breaking?—A. Probably two acres or so.

Q. What sort of a house have they got?—A. A house 12 by 20.

Q. A log house?—A. No, sir; a lumber house.

Q. Any other improvements?—A. Well, he has got poles cut for fencing the claim.

Q. Are there any other settlers living in your neighborhood?—A. Yes, sir; several. A man named Raybor lives north of us.

Q. What sort of a place has he got?—A. A nice place.

Q. Is he here to-day?—A. No, sir; it is a mere accident that I am here; I just came in for supplies.

Q. Are there any other settlers living there now in your neighborhood?—A. Yes, sir; a man named Reddick lives below us  $3\frac{1}{2}$  or 4 miles.

Q. How many settlers are now living in the reservation that you know of?—A. Probably six or seven families in my neighborhood, and there are some young unmarried men staying there.

Q. That have claims?—A. Yes, sir; and have been improving their claims right along.

Q. How many of them?—A. There are two parties there.

Q. So there are about nine settlers altogether in your neighborhood that are still on the reservation?—A. Yes, sir; besides others who come to look after their shacks and buildings and stay over night and go away again.

Q. Are there any Indians located near you?—A. There are some squaw men that have Indian families.

Q. Have they taken claims there?—A. Well, they have two claims there.

Q. Do you know whether these settlers claims have interfered with the Indian claims in any way?—A. No, I do not think they have; although, since President Cleveland's proclamation, several Indians have been up to take my claim on account of the timber. They came up there to chop down the timber. They said they proposed to cut down all the timber so the land would not be worth anything to the white men.

Q. Did they claim to have located on the particular piece you were on before you came there?—A. No, sir; but they served notice on me written in the Indian language, dated Crow Creek, May 25, 1885, stating that they claimed 320 acres in the timber there. About twenty Indians came up to chop down the timber, but they were ordered back again by the Indian agent I believe.

Q. Have you got the notice that was served upon you?—A. I left it at home; I did not think I would have any use for it.

Q. Was it a notice from the agent?—A. No, sir; it was from an Indian named Frost.

Q. He claimed he wanted to take that land up?—A. Yes, sir; I had it interpreted two or three different ways, that is, different interpreters read it different ways; but the sum and substance of it was that they claimed 320 acres in the timber that included my claim.

Q. I understand you to say they did not claim to have located upon it?—A. No, sir; there was no improvement on the claim when I went there.

Q. But they claimed, then, to take it?—A. Yes, sir.

Q. Was there any trouble between the whites and Indians after the notice was served on you—any threats?—A. Yes, sir; they told me they would give me trouble if I did not get out of the reservation, and they came there one night, armed, at 10 o'clock, when I was away from home, frightened my wife, and she run away to the neighbors.

Q. Do you belong to the Settlers' Association?—A. Yes, sir.

Q. Here or at Chamberlain?—A. We had a meeting at Chappelle Creek, and I belong to that organization. Of course, it is all the same thing.

Q. You send delegates here, I suppose?—A. Yes, sir.

Q. If there is anything else you would like to say to the committee we will hear it.—A. Well, there is one thing I would like to say, and that is, that I went in the reservation with the intention of taking up a homestead and staying there, and have had my family there all the time. I came out here from the East with the intention of taking up land.

Q. What State did you come from?—A. Indiana.

Q. What part?—A. Indianapolis.

Q. I did not know you there, did I?—A. I remember you very well. I was telegraph operator at the New Denison Hotel during the Garfield campaign.

Q. Well, go on with your statement; I interrupted you.—A. We are staying there because it is impossible to go to any other place. I know of other settlers down there that cannot go away.

Q. Why, because they have not the means?—A. Yes, sir; that is about the size of it.

Q. And have no other home to go to?—A. No, sir.

Q. Well, is there anything else?—A. That is about all.

Q. Do you know whether you are within or outside of the limits of the reservation as fixed by the Dawes bill?—A. I do not. I think, though, about one-half of my land would be inside the reservation; it is divided by the township line.

Q. How much land have you in range 75?—A. One-half of my land is in range 75.

### *Testimony of J. Emerson Stiles.*

J. EMERSON STILES sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I am living on the reservation at present.

Q. Where had you previously lived?—A. In Pierre.

Q. Were you in business here?—A. I kept a hotel here about six months.



Q. Where had you lived previous to that?—A. I came here about one year ago last April from Wayne County, New York.

Q. Were you keeping hotel here at the time you went into the reservation?—A. Yes, sir.

Q. What hotel did you keep?—A. The St. Charles, in this division of the town of Pierre.

Q. When did you start for the reservation?—A. On Saturday evening; I think it was the last day of February.

Q. The same day the proclamation was issued?—A. The same day the telegram came.

Q. How did you hear about it?—A. I got notice of it about 10 o'clock, on the street.

Q. Was there any monopoly of that news; did any association or ring of people here have that news exclusively, or was it on the street so that everybody could hear it?—A. It was on the street when I got it.

Q. That was about 10 o'clock Saturday night?—A. I should think it was.

Q. What did you do then?—A. I went and saw Mr. Hawks, a neighbor, and a gentleman who had been boarding with me, who was keeping a furniture store here, and he and I and a man named Nichols, that was at my house, and Miss Hawks, a sister of Mr. Hawks, went down there that same night.

Q. What time did you start?—A. About 12 o'clock, I think.

Q. Did you take anything with you?—A. Some provisions; that was all.

Q. You started down with a team and wagon did you?—A. Each one of us had a separate rig.

Q. How many in the party went to take up land?—A. Four of us—Mr. Hawks, his sister, Mr. Nichols, and myself.

Q. What did you do?—A. Drove into the reservation.

Q. What part of it?—A. We got to Chappelle Creek about daylight, I think.

Q. And did all four of you take up claims?—A. We did not there. We looked around and staid there until Sunday night; we got there Sunday morning, and camped about 4 miles this side of Chappelle Creek; then the next day we went on to what is know as the "Big Bend."

Q. Did you take up land in the Big Bend?—A. Yes, sir.

Q. Right on the river?—A. Yes, sir.

Q. All four of you?—A. Yes, sir.

Q. One hundred and sixty acres each?—A. Yes, sir; that is what we intended to take.

Q. What did you do in the way of making improvements?—A. We left Nichols and Hawks there, and Miss Hawk and I came back, loaded up a load of lumber, and returned.

By Mr. JONES:

Q. What was the numbers of your lands?—A. Township 108, range 75.

By the CHAIRMAN:

Q. Did you put up improvements on all four of these tracts?—A. Yes, sir.

Q. What kind of improvements?—A. Well, Nichols put up a very comfortable shack.

Q. What size was it?—A. 14 by 16.

Q. Did you put up a shack?—A. I put up a dug-out.

Q. You put down a dug-out, you mean?—A. Part of it was dug out with a shovel.

Q. What did the others do?—A. Mr. Hawks put up quite a fine-looking house, and his sister put up a shack.

Q. Did you all stay there?—A. Yes, sir; we have all staid there.

Q. Ever since?—A. Nichols has some land off north here, but he has improved his claim. His home is there mostly.

Q. Did you give up your hotel?—A. Yes, right away.

Q. That same night?—A. My wife staid here probably a week or two, but as soon as I could put up a place to live in she came down there and we have been living right there ever since in my dug-out.

Q. Have you cultivated any land?—A. I have got  $2\frac{1}{4}$  acres broke.

Q. Have you put in a crop this year?—A. Yes, sir.

Q. What did the others do in the way of breaking?—A. Nichols broke about 5 acres.

Q. Has he been staying there all the time?—A. Yes, sir; except he probably has been off a couple of weeks.

Q. Is his family there?—A. He has no family there.

Q. Has Mr. Hawk and his sister staid there all the time?—A. All the time. Mr. Hawk has been up here probably a couple of weeks or such a matter.

Q. Does he run his store here yet?—A. No, sir; he has no store.

Q. Did he close his business up here?—A. Yes, sir.

Q. Has he and his sister been living together?—A. Well, I guess his sister slept in his house; she did not stay alone in her own shack. She had some breaking done on her claim.

Q. What would be the average value of the improvements you four made on your claims, including shacks, breaking, &c.?—A. Well, Hawks and his sister together broke, may be, six or eight acres. I have paid out about \$130 in money in one way and another since I started from here—for lumber, eatables, seed, &c.

Q. What would be the value as a money investment; that is, counting your labor, the shacks, breaking, and whatever improvements you have made on the place?—A. Do you want my time counted in?

Q. Your own time and labor. I do not want you to count the time unless it was employed in labor.—A. It would be from \$250 to \$300. I have been there since the 1st of March.

Q. When you heard of President Cleveland's proclamation you determined to stay there until you were put off, did you?—A. Well, I was there, and I had used up nearly all my money. I had two cows and calves there, and I thought I might as well stay there as anywhere. I had no other place to stay.

Q. Has there been any trouble with the Indians since you have been there?—A. No, sir.

Q. No threats or conflicts of any kind?—A. No, sir; not that I know of.

By Mr. JONES:

Q. What time did you go there?—A. About the 1st of March.

Q. Was it Saturday night you started, the 28th of February?—A. Yes, sir.

Q. How long after that did you do your breaking?—A. I did my breaking after President Cleveland's proclamation.

Q. What had you done in the way of improvements before that proclamation was issued?—A. I had built a shed for my cows and a dug-out and cellar for myself.

Q. What did that dug-out and shed cost you?—A. The lumber and other things I used cost me about \$40 besides the hauling.

Q. What did the hauling cost you?—A. The hauling of the lumber cost \$10 per load. I had one load, and then bought some lumber on the ground.

Q. What was the labor done on the place previous to President Cleveland's proclamation worth?—A. It took me about two weeks to build my dug-out. It is 14 by 16, and then the cellar, 10 by 12, right back of it.

Q. What was the value of the work you did there previous to President Cleveland's proclamation?—A. Probably \$50.

Q. And the balance of the \$250 or \$300 worth of work has been done since?—A. I did not claim that as work. I included in that simply the cost of the material.

Q. I mean the balance of the \$200 out of the \$300 of expenses you have incurred was expended subsequent to the President's proclamation?—A. That was for material—

Q. (Interrupting.) You say that up to that time you had expended for lumber \$40, hauling \$10, making \$50?—A. Yes, sir.

Q. And you say your total expense since you went there has been \$250 or \$300?—A. Yes, sir.

Q. Then the balance of the \$250 or \$300 has been expended since President Cleveland's proclamation?—A. Yes, sir.

By the CHAIRMAN:

Q. How was it as to the others; did they have their breaking done before or after President Cleveland's proclamation?—A. Nichols's was all done before that, and part of Hawks's was done before.

Q. How many settlers are there now located in the big bend, so far as you know?—A. Mr. Monkhaus, Mr. Nichols, Mr. Hawks, Miss Hawks, Mr. Hawks's wife's brother, Mr. Hanna, Mr. Bolton, Mr. Eaton, Mr. George, and down below four or five more; I do not know their names.

By Mr. JONES:

Q. Are these persons all there yet?—A. They were there last week.

Q. Was all the land in the big bend taken up?—A. It was mostly taken up.

Q. Is it all tillable?—A. No, some of it is bluffy; but where we are, down on the river, it is good land.

Q. What proportion of it is too rough for tillage?—A. Most of it, I think, is good tillable land.

Q. Is that which is not tillable good grazing land?—A. Yes, sir; all that I have seen; I have not been all over the big bend; there is a good deal of it.

### *Testimony of Webster Tanner.*

WEBSTER TANNER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I am stopping at Pierre now. I have a claim down on the reservation, and my family are there part of the time.

Q. Where are they the balance of the time?—A. At Pierre.

Q. What family have you?—A. A wife and two children.

Q. What business are you engaged in here at Pierre?—A. Photography.

Q. How long have you been here engaged in that business?—A. Pretty near two years.

Q. When did you go on the reservation?—A. The 1st day of March.

Q. When did you hear of the proclamation opening it?—A. I heard of it that day, Sunday.

Q. What time did you start?—A. Well, I don't know; in the forenoon some time.

Q. Did any other persons go with you?—A. Yes, sir; two other parties.

Q. What were their names?—A. Two Mr. Tracys.

Q. What business were they in?—A. One Mr. Tracy is down there now on his land; the other is in town.

Q. I mean what had they been doing here before they went down there?—A. They were not doing anything here at that time.

Q. You had been a photographer here before that?—A. Yes, sir.

Q. You three went down on Sunday, you say?—A. Yes, sir.

Q. Did you take any lumber with you?—A. No, sir; but we took some provisions, axes, hammers, and nails.

Q. Where did you go?—A. We went on the reservation about a mile and a half, I guess, below Rousseau; that is, below Medicine Creek crossing.

Q. That was up towards the northern end of what is called the old Winnebago Reservation?—A. Yes, sir.

Q. Did all three of you take up claims there?—A. Yes, sir.

Q. Where; on the river?—A. Yes, sir.

Q. Did you make any improvements upon them?—A. Yes, sir.

Q. What did you do?—A. I put up a log house about 14 foot square.

Q. On your claim?—A. Yes, sir.

Q. When did you take your family down?—A. As soon as I got my house up; then my wife took sick while I was down there and has been sick ever since up to within a month ago.

Q. What else did you do besides building this log house?—A. I did a little breaking.

Q. When did you do that?—A. I was doing the breaking when I heard of President Cleveland's proclamation.

Q. Did you stop then?—A. Yes, sir.

Q. Have you done any work since?—A. No, sir.

Q. What was the total value of your improvements, including, of course, your own work on the place?—A. Well, I don't know. In the neighborhood probably of \$150.

Q. What portion of your time did you spend down there?—A. I was there two months or nearly that. I was there some little time after the proclamation closing the reservation was issued; but I did not do any work after that.

Q. When did you cease to stay there?—A. I do not remember the date I came away, but it was the next day after the Attorney-General of Dakota was down through-there. He was sent down by Governor Pierce.

Q. Since then your family has been staying down there part of the time?—A. Yes, sir; some of the time.

Q. How much of the time?—A. I don't know. They have been there a day or two several times.

Q. They would go down, stay a day or two, and come back.—A. Yes, sir.

Q. You have not been down since you left at all?—A. Yes; I have been down there probably half a dozen times and staid a day or two.

Q. What was your object in doing that? Was it with a view of holding your claim?—A. Yes, sir; a good many went back at one time; they were a little encouraged by some articles written by members of the association here and others, that appeared in the papers. I never moved everything I had, although I have the principal part of my goods down there.

Q. And your family stays down there part of the time, and you go down occasionally with a view of holding your claim if you are allowed to?—A. Yes, sir; my wife came up from there yesterday; just got back last night.

Q. Now about these other two men that went down there with you, the Tracys, what did they do?—A. Tracy built a house—I do not know the size of it, but think it was about 14 by 16—and did some planting.

Q. How much land did they break, each of them?—A. I do not know; they have been doing considerable, but I have not been there.

Q. Are they staying there still?—A. Yes, sir.

Q. Like you, going and coming?—A. No, sir; I think they have been there most of the time. One of them frequently comes up when I do, and comes up other times on the train.

Q. Has he any family there?—A. Yes, sir; a wife and daughter.

Q. Was the land in your neighborhood there pretty well taken up?—A. It was all taken along there.

Q. Was it good land?—A. Fair; there is not much prairie land, mostly timber, but not so very much; it can be easily cleared off.

Q. What would that land have sold for per acre if it had been offered to private parties?—A. I could not tell; but of course the timber land, I suppose, would be worth more.

Q. Is it cottonwood?—A. Yes, sir, some of it is cottonwood; there is some pretty good timber and some young cottonwood. The Indians have cut the tops off of some of the trees and left the bodies of the trees laying there.

Q. The Indians had been working on this land you took up, had they?—A. They had been cutting wood and hauling it away. There was a couple of Indians and their families living up on Medicine Creek near Rousseau, just across the creek on the section above where we were, and they hauled wood from there.

Q. That was the only sort of occupancy they had been making of that place you went upon, using it to cut timber off of?—A. Yes, sir; there was no camp or anything on it when I went there.

By Mr. JONES:

Q. What had been the business of these two gentlemen that went down with you?—A. They had not been doing anything during the winter. One, Mr. Tracy, used to be in the cigar and tobacco business here.

Q. Had you been a farmer?—A. Not lately.

Q. Did you take up that land with the intention of living on it, making it your home, or simply as an investment?—A. I intended making it my home. My wife had always lived on a farm, and she concluded she would rather live on a farm than in town.

By the CHAIRMAN:

Q. You intended to give up your business here did you?—A. Yes, sir; if I got the land.



By Mr. JONES:

Q. Did you go down there promptly after you heard it was opened?—  
A. Yes, sir.

Q. Why did you not hear of it as promptly as these other gentlemen that have testified?—A. My wife was not very well that day, and I went home early in the evening before the news arrived.

Q. You know of no effort being made by any body to suppress the news?—A. No, sir; in the morning when I heard it, it seemed to be public information.

Q. Had it been suppressed, so far as you know, prior to that time?—  
A. No, sir; not that I know of.

By the CHAIRMAN:

Q. What do you know, if anything, as to whether any of these persons who went in the reservation went there as the representatives or agents of others with a view of taking pre-emption claims and then selling them out?—A. None of the parties in my neighborhood were of that kind; they all went there to stay.

Q. Do you know of any such cases at all?—A. No, sir; I do not.

By Mr. JONES:

Q. You think the parties you know of went there in good faith to make homes?—A. Yes, sir; I am satisfied they did.

*Testimony of Theodore Wild.*

THEODORE WILD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Pierre.

Q. How long have you lived in Pierre?—A. About one year.

Q. Where had you lived previously?—A. I came from California.

Q. What was your business here in Pierre when you first came?—A.  
Everything I could get hold of.

Q. You worked at whatever job you could get hold of?—A. Yes, sir.

Q. Did you go on the reservation?—A. Yes, sir.

Q. When?—A. On the 2d of March.

Q. Who went with you, if any one?—A. Three of us went in a wagon down there with some few provisions.

Q. What were the names of your companions?—A. Roth and Brown.

Q. Did you take any lumber?—A. We did not take very much lumber, but we took some provisions and a little lumber.

Q. That was what day?—A. March 2, 1885.

Q. That was Monday?—A. Yes, sir; early in the morning.

Q. Where did you go to?—A. Towards Chapelle Creek, and located four miles this side of the creek.

Q. Did each of you take up a claim there?—A. Yes, sir.

Q. What improvements did you make there?—A. I worked a month and a half down there. I put up a log house 10 by 12.

Q. Have you a family?—A. No, sir.

Q. You are a single man?—A. Yes, sir.

Q. What did you do besides putting up this log house?—A. I planted about four or five hundred young trees.

Q. Where did you get the trees?—A. Down the river.

Q. You intended to take a tree claim, did you?—A. No, sir; I intended to take a homestead.

Q. You say you planted four or five hundred young trees?—A. Yes, sir.

Q. Well, did you do any breaking?—A. I commenced spading, and kept on spading until that proclamation was issued.

Q. You did not have a team?—A. No, sir; I spaded about an acre, pulverized it with a hoe, and put it in garden stuff. I also broke about an acre with a plow and put in a crop.

Q. When you heard of the President's proclamation what did you do?—A. We made up our minds to stay anyhow, as it was too late for to do most anything else.

Q. Have you staid there ever since?—A. No; I have come back here.

Q. How long did you stay there before you came back here?—A. I staid about two months there.

Q. Have you been down there since?—A. I go down there once in a while.

Q. Have you been taking care of your crops down there?—A. No, sir; not much; because there is some stock around there that have taken care of it for me.

Q. You did not have any fence around your garden?—A. No, sir.

Q. So your crop has been destroyed?—A. Yes; and my house has been broken into, too.

Q. Did you leave anything there—any goods?—A. No, sir; I happened to take them out the day before.

Q. And brought them up here, I suppose?—A. Yes, sir; what was most valuable.

Q. So you have nothing down there except what is left of your house?—A. What is left of the house, some cooking utensils, and a crop.

Q. What did the other men do that went down with you?—A. They improved as much as they could.

Q. Did they put up houses?—A. Yes, sir.

Q. Log houses?—A. Brown had logs on the ground for a 16-foot square house—

Q. But he did not put it up?—A. No, sir; he put up a frame shanty.

Q. What size?—A. Eight by ten, I suppose.

Q. What did he do when he heard of President Cleveland's proclamation; did he leave?—A. He had some land around over there and he went to work on it.

Q. Did he break any land on his claim?—A. Yes, sir; I believe he broke some six or seven acres; so I heard.

Q. Was not he located close to you?—A. Yes, sir.

Q. Had he broken this land before you left there?—A. No, sir; he had not broke any before I left, except he plowed some right around his house.

Q. Then all his breaking was done after President Cleveland's proclamation was issued and after you had left?—A. Yes, sir.

Q. Has he staid there all the time?—A. He staid there until it was rumored he had to get off.

Q. Then he went to another place where he had some land?—A. Yes, sir.

Q. How was it with the other man?—A. Roth plowed about six or seven acres.

Q. Before or after President Cleveland's proclamation?—A. Before.

Q. Did he put up a house?—A. He put up a house and moved his goods down.

Q. Did he take his family there?—A. He has no family.

Q. Has he been staying there ever since?—A. No, sir; he left, but wants to go back whenever there is a show of his getting his claim.

Q. Has he been going back to it occasionally since, or did he take his things away?—A. He took his things away.

Q. Was about all the land taken up there in your neighborhood?—A. Yes, sir; it was pretty much all taken up that was of any account.

Q. How did you locate your corners there?—A. Well, we found some corner-stones; they run a line from the KcKenzie line, the old survey, and we took from that.

By Mr. JONES:

Q. Where was that line?—A. In 32 and 33.

Q. What township and range?—A. Township 110, range 76.

*Testimony of Michael Powers.*

MICHAEL POWERS sworn and examined.

By the CHAIRMAN:

Question. Are you living on the reservation now?—Answer. No, sir.

Q. You have been on it and took a claim, have you not?—A. Yes, sir.

Q. When did you take up your claim?—A. Between the 14th and 16th of March, somewhere about there.

Q. Where had you been living prior to that time?—A. In Iowa.

Q. Did you come from Iowa at the time you made your claim?—A. Yes, sir; with the intention of living here. I got a letter from my father-in-law, who lives here, stating that the reservation was open, and about the 12th of March I got on the train, shipped my stock, and think I arrived here on the 14th or 16th or 17th of March, somewhere about that time.

Q. You came here for the purpose of going on the reservation?—A. Yes, sir.

Q. You sold out what you had in Iowa before you started, did you?—A. I sold out my place there with the intention of taking a farm here. I was crowded so there I could not get a chance to live, and as soon as I heard this Winnebago reservation had been opened up, I came out to get a home.

Q. When you got here did you go right down in the reservation?—A. No, sir; I got here on Thursday, I think, and rested my horses that day and the next, and on Saturday about noon started for the reservation.

Q. That would be about what day in March?—A. It was about the 17th or 18th that I got down there.

Q. Was your family with you?—A. Yes, sir; my family were here at Pierre with my father-in-law. I sent them on the train ahead of me.

Q. You drove your stock through?—A. No, sir; I came through on the train, stock and all.

Q. Did you go right down in the reservation then?—A. Yes, sir.

Q. Did you take your stock along?—A. No, sir.

Q. Or your family?—A. No, sir.

Q. But you went down yourself?—A. Yes, sir.

Q. Did you take a claim there?—A. Yes, sir.

Q. Where?—A. On section 21, township 109, range 75.

Q. Was it on the river?—A. Well, just east of the river—somewhere about a mile, I should judge.

Q. Was it in the big bend?—A. Part of it was in the big bend.

Q. You took that claim for yourself?—A. Yes, sir; personally for myself, to make a home there.

Q. Did you intend to make a pre-emption or homestead claim?—A. Homestead.

Q. What did you do when you got there?—A. I went to breaking.

Q. Did you put up a house?—A. I first did some breaking, and then came back and got a load of lumber.

Q. How much breaking did you do before you came back for the lumber?—A. Probably an acre or an acre and a half—and calculated to go right back with my family, and break right along; but when I came back, and had gotten my lumber on the wagon, I heard reports that the reservation was going to be closed, and I left my lumber here.

Q. So you did not build any shock on the claim at all?—A. No, sir.

Q. You simply did some breaking and put in a crop?—A. Yes, sir.

Q. And when the proclamation was issued closing the reservation you left. Have you been down there at all since?—A. I have been there three or four times to see how my garden was getting along.

Q. Have you stated all you desire to about the matter?—A. Well, my father-in-law and brother-in-law went down there, too.

Q. What is your father-in-law's name?—A. Michel Carney.

Q. And your brother-in-law's?—A. Michel Carney, from Minnesota.

Q. What sort of improvements did they make?—A. They planted trees and gardens.

Q. How much breaking did they do?—A. Probably an acre and a half each.

Q. Did they go off the reservation when the proclamation was issued?—A. Yes, sir.

Q. Have they been going back occasionally to look after their interests?—A. Yes, sir.

Q. They are living in Pierre now, are they?—A. No, sir; my brother-in-law has gone back to Minnesota; my father-in-law is here yet.

By Mr. JONES:

Q. Did your father-in-law and brother-in-law live right by you on the reservation?—A. Yes, sir; partly on the same section.

*Testimony of John Bunning.*

JOHN BUNNING sworn and examined.

Question. What is your age?—Answer. Twenty-three.

Q. Have you a family?—A. No, sir; I am a single man.

Q. How long have you lived in Dakota?—A. Not quite three years; I came from Indiana in December, 1882.

Q. You are an Indiana man, then?—A. Yes, sir.

Q. What part of Indiana did you come from?—A. Southwestern, from Evansville.

Q. Where had you been living in Dakota?—A. I had been living in Pierre for a while before I went on the reservation, but I was most of the time up in Sully County; I had a pre-emption claim up in that

county for nearly a year and a half; I lived on that the greater part of the time.

Q. Did you farm it?—A. I farmed five acres of it.

Q. Did you sell it out?—A. Yes, sir; because I was obliged to. The land I had there had no timber or water on it and I could not afford to keep it. It takes capital to get along with that sort of land.

Q. Then what did you do?—A. I was engaged part of the time in the insurance business. I was at Pierre willing to do almost anything.

Q. When did you go on the reservation?—A. I went down on the 6th of March, about a week after President Arthur's proclamation was issued.

Q. Did you go on your own account intending to make a home there?—A. I had been waiting for that reservation to be opened all winter. I had not been doing anything, hardly, but was assured that the reservation would be opened in the spring. It was expected all winter; during January and February the papers were continually speaking about it.

By Mr. JONES:

Q. Had you the personal assurance of anybody that it would be opened?—A. No, sir; except, of course, people had their private opinions about it.

By the CHAIRMAN:

Q. You went down on what day?—A. The 6th of March.

Q. Did any one go with you?—A. I went with another man. We took a buggy and went down to look over the land; found places there that we liked and the same day drove to Canning and bought lumber. Of course we had to stay on our claims all night, and the next morning the lumber came there. We got caught in a snow-storm and had to sleep all night under the blue canopy of Heaven.

Q. Did you leave the lumber there and make improvements?—A. Yes, sir; we did not build any right then; we went back for more provisions and returned with a carpenter, and he went to work and put up my house; then in about a week we went back again, bought a team, and, in company with another neighbor of mine, got ready to go to farming. We were busily at work up to the time of President Cleveland's proclamation and even afterwards.

Q. What did you do before that time in the way of improving your claim?—A. I had not done much on my claim.

Q. Did you put up a shack or a house?—A. I put up a house 12 by 14, but did not have time enough to finish it as I wanted to. I had not broken my ranch up to that time, because the man I was working with was doing work on his place first, intending to come afterwards to mine. I did not get only about two acres broken up to the time of President Cleveland's proclamation.

Q. How much had your partner done on his claim?—A. He built a shanty and then built a log-house right aside of it, which was not completed, and he had broken five or six acres.

Q. What did you do when you heard of the proclamation; did you leave the reservation?—A. No, sir; not immediately; we held on for a while, staid there continuously, but afterwards came up here. We staid there waiting for news. There were all sorts of contrary rumors, and finally, my partner, that is, the man I was working with, and my nearest neighbor also, drove off, and, of course, as I was left alone I was compelled to go too; otherwise I would not have gone, for I did not know where to go.



Q. When they went off did they take their shacks away with them?—  
A. One of them, my nearest neighbor, did; the other one did not at first, but he did afterwards.

Q. Did you take your shack away?—A. No, sir; I did not think it worth while, because it was built in such a shape that the lumber would have been almost worthless if taken apart. It was built very solid.

Q. Have you gone back occasionally and continued your occupancy in that way?—A. Yes, sir; I have been there occasionally, sometimes a week at a time; I removed my household goods from there only lately; that is, what is left of them.

Q. So there is nothing left on your claim but the shack as you built it?—A. Yes, sir; and there is a crop of potatoes growing.

Q. Is there anything else you desire to state to the committee?—  
A. Nothing in particular, only right around me there the country was pretty well settled. This man that worked with me had a claim about a mile from mine; joining him was a young man, a cripple, who came from Indiana some time ago, having heard that this Winnebago Reservation would be opened in a short time; he had some \$60 or \$70 with him that he had invested and had written home for more; of course, all that was lost; right next to me on the east was a man that removed there immediately upon the issuing of the first proclamation; he has been living there with his family ever since; he claims he has not a dollar in the world and has no place to go, and, in fact, if it had not been for the assistance of my friends I would have been in the same fix, because I invested about \$200 in cash and I had to get assistance from friends for about \$100 more; of course there is nothing to show for it.

Q. Did you invest it all on your claim?—A. Yes, sir; it went in one way and another; there are so many indirect losses connected with it that a man cannot account for. For instance, a neighbor that lived west of me he had \$500 in bank at Pierre, that he had saved during some years of his residence in Dakota; he has not a cent now except his claim on the reservation and a town lot in Pierre.

Q. So far as you know did these settlers about you, with whom you came in contact, come there with the honest intention of making homes for themselves?—A. Yes, sir; all those in that section of the reservation; their every action showed it.

Q. Do you know of any one who went on the reservation and took up a claim as the agent for any other person?—A. No, sir; I do not know of one. I have seen a few persons that I suspected of not having the very best intentions, but it was only suspicion. I could not, in fact, name one, while the immense majority of all those I have seen showed by their every action that they intended to stay.

By Mr. JONES:

Q. How much money do you say you are out?—A. I am out about \$200 in cash, that I can count up if I had time.

Q. And you say you borrowed \$100 more?—A. No; I did not borrow that, exactly; but I am indebted for it, though, to friends in various ways.

Q. How much of that money was spent before the issuance of President Cleveland's proclamation?—A. I presume the greater portion of it.

By the CHAIRMAN:

Q. All you did directly on the land was before that; you did not do anything after you heard of the proclamation, did you?—A. Yes; I did some. I had the land broken, and put in those potatoes after the proclamation was issued.

By Mr. JONES:

Q. How much of a snow-storm was that you were in?—A. It was not a very heavy storm—about an inch of snow; but while it lasted it was bad enough.

Q. Did it interfere with your operations by delaying you any?—A. No, sir.

Q. You went there on the 6th of March, you say?—A. Yes, sir.

Q. And went after lumber the next day?—A. No; we went to Canning that afternoon, and the lumber came down the next day.

Q. Then you built a log house and two shacks before you went to breaking land?—A. Yes, sir; in fact, I had not any team then. Now, that is an item too, entirely indirect, because my team was left on my hands and I had no use for it. I had to sell it at a sacrifice in order to get rid of it.

Q. How many teams do you use in breaking?—A. It takes three good horses, as a rule, and we sometimes use four.

Q. And one man?—A. No, sir; two men if four horses are used, unless the horses are well trained.

Q. How much can you break in a day?—A. It don't average more than an acre and a half in a day; that is considered very good work.

Q. For two men and four horses?—A. Yes, sir; some do more; it depends entirely upon the character of the land.

Q. I know; I mean the general average?—A. We could not do more than one acre per day where we were.

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*Testimony of Michael Welsh.*

MICHAEL WELSH sworn and examined.

Question. Were you one of the settlers on this reservation?—Answer. Yes, sir.

Q. Where had you been living prior to going on the reservation?—A. About a mile and a half from here, on a rented farm.

Q. When did you first hear of the opening of the reservation?—A. On the night of the 28th of February.

Q. Were you in town that night?—A. No, sir; some parties came to my house to have me take them down there.

Q. Some persons came there to get you to take them down in your team?—A. Yes, sir.

Q. Who was it?—A. Mr. Gietz and Mr. McKenzie.

Q. They told you where they were going, and you went along and concluded to take a claim yourself?—A. Yes, sir.

Q. You were living on rented land at the time?—A. Yes, sir.

Q. Had you already made a pre-emption or homestead claim before that?—A. Yes, sir; I had a pre-emption in Sully County.

Q. Had you sold that?—A. I traded it for a team.

Q. You went into this reservation intending to make what sort of an entry?—A. I was going to take a homestead.

Q. What time did you start with these men?—A. It was about half past 12, I think, of the night of the 28th of February.

Q. Where did you go?—A. We went right to Chapelle Creek.

Q. Did all three take claims?—A. Well, yes; but the other parties did not stay.

Q. Did they make any improvements on their claims?—A. No, sir;

they got out claims that had been already taken, so they quit and came back to town; they were both tradesmen; one was a blacksmith and the other a stone-mason.

Q. They gave it up, did they?—A. One gave it up right away, and the other went back on the big bend. I don't know what he did down there.

Q. You took up a claim and remained?—A. Yes, sir.

Q. What did you do on your claim?—A. I built a shack 10 by 12 that I lived in, and then built another one for my horses, 10 by 10.

Q. Did you do any breaking?—A. Yes, sir; about an acre and a half—what I wanted to plant in early stuff.

Q. When did you do that breaking?—A. In March.

Q. Did you put up the shacks before President Cleveland's proclamation?—A. Yes, sir.

Q. Whatever improvements you made there, then, were made before President Cleveland's proclamation came out?—A. Yes, sir; I did nothing after that at all.

Q. Have you staid there?—A. I staid there until the 10th of June, when I came away.

Q. Did you take anything with you?—A. Nothing but my family.

Q. Did you take your furniture?—A. No, sir; it is all there except my stove, which I fetched up and gave to my brother-in-law, whose stove had been blown away in a wind-storm.

Q. Did you go back on your rented land?—A. No, sir.

Q. What did you do with the land you were renting when you went on the reservation?—A. I gave it up.

Q. Since then where have you been staying?—A. Down in the reservation until the 10th of June, and since that I have been living here and there, wherever they will let me.

Q. Are you intending to go back on the reservation?—A. Yes, sir.

Q. Without reference to any action by the President?—A. No, sir; I am waiting until something is done that will give me a right to go back.

Q. And in the mean time you have left everything there?—A. Yes, sir; what I had; I did not have much.

Q. Is there anything else you want to state?—A. No, sir.

### *Testimony of Michael Carney.*

MICHAEL CARNEY sworn and examined.

By the CHAIRMAN:

Question. You were one of the settlers on the reservation, I believe?—Answer. Yes, sir.

Q. When did you go on?—A. On the evening of the 6th of March.

Q. Where had you been living previous to that time?—A. Pierre.

Q. What was you engaged at?—A. My son and his family were keeping a boarding-house, and myself and family lived there.

Q. You were not in business, then?—A. No, sir; I am not a business man.

Q. How did you happen to go on the reservation?—A. I heard that it had been opened three or four days before. My son and I wanted to go down, but stopped a few days to be sure everything was all right; then we went down and made a couple of claims there.

Q. Did anybody else but your son go with you?—A. There was a

couple of men went with us that made claims; then another son of mine came out a week or so afterwards and he made a claim.

Q. Who were these outside men?—A. They were from Saint Paul, Minnesota; they had been stopping at my son's place and went down with us.

Q. What did you take with you when you started?—A. We hired a team, took about 900 feet of lumber and some grub with us, and when we got down we located ourselves.

Q. Did you put any improvements on your place?—A. I put up a shack.

Q. Did your sons put up shacks?—A. One of them did; the other did not. He did not get there until afterwards.

Q. You broke some land, I suppose?—A. I dug up about 6 rods square with my spade and planted some potatoes and beans. I also planted about 40 trees and started a cellar 10 by 14. I got it about half dug when word came that the reservation was closed, and I stopped work on the cellar.

Q. What did your son do?—A. Nothing, except he shacked, broked, and put in a few potatoes. I was there two months and put in my time to the best which I knew how.

Q. When you heard of President Cleveland's proclamation you and your sons left, did you?—A. No, sir; I staid until the 2d day of May and came back. I have a crop of potatoes and beans and some trees in the reservation that I want.

Q. Did you leave your furniture there?—A. I only had a stove and a few things. If they are gone they don't amount to much.

Q. You think more of your potatoes and beans than you do of your furniture?—A. Yes, sir; and my work and trees.

Q. Did you ever take a pre-emption or homestead claim before?—A. No, sir; I never owned a piece of land before in Dakota. I bought a piece of land once in Iowa and sold it again, but I never made a pre-emption or held any Government land. When I came here I calculated to get a piece of Government land and make a home for myself and family, and when this opportunity opened I thought I would try it.

Q. How long has it been since you were on the claim?—A. I have not been there since the 2d day of May, but my sons have been back and forth seeing to my trees, beans, and potatoes; they say they are growing nicely.

Q. What part of the reservation were you in?—A. Hughes County. I did not look up the lines or section. I took my claim about three miles from Chapelle Creek.

Q. Did you have good land?—A. Tolerable. It was bench-land and valley. It is good, nice land, what there is of it, near the river.

Q. What became of the other two men that went down with you?—A. They have places there and put trees out. One of them was a single man and did not have enough money to keep him there all the time; he has to work for a living, but he has enough growing there to keep him. He has been waiting to see how the thing come out.

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*Testimony of Robert B. Fiske.*

ROBERT B. FISKE sworn and examined.

By the CHAIRMAN:

Question. I believe you are the supervisor of the census for South Dakota which was taken this year?—Answer. Yes, sir; I am supervisor

of the census for South Dakota; for all that part of the Territory of Dakota south of the 46th parallel.

Q. How was that census taken; by enumerators in each county?—A. The census was taken by enumerators appointed each for such portion of a county as I thought he would be able to cover within the thirty days allowed by law for the taking of the census. The census was taken under an act of the Territorial Legislature approved March 18, 1885, in accordance with section 22 of an act of Congress approved March 3, 1879, providing for the taking of the Tenth and subsequent census.

Q. Your regulations in taking the census required the enumerators to visit every house and get his information in that way?—A. The duties of the enumerators were exactly the same as the duties of the enumerators in the taking of the United States census; they were regularly commissioned and sworn, and their instructions were to visit each house personally. I gave them positive instructions that they were not authorized to employ agents or assistants to do the work for them, but must do all the work themselves, visit each house personally. Of course, the law provides that in certain cases a schedule may be sent out ahead of the enumerator to be filled in by the party, but even then the enumerator had to go to the house and get it himself and question them personally.

Q. How many of the counties in South Dakota take in parts of the Winnebago and Crow Creek Reservation?—A. The Winnebago and Crow Creek Reservation comprises parts of the counties of Hughes, Hide, Hand, Buffalo, and Brulé.

Q. Those counties were all in your district?—A. Yes, sir.

Q. Have returns been made to you by the enumerators in each of those counties?—A. The returns are in from each of those counties except Hand County. The enumerator who had that portion of Hand County, a portion of which is embraced in what is called the Winnebago Reservation, has not yet sent in his return. I do not know why he has not done so, but his return has not yet been received.

Q. You can give the committee a summary of the returns from the other counties you have named, and can furnish us hereafter the returns from Hand County when they come in?—A. Yes, sir.

Q. In all these counties that extend into or embrace a part of the reservation, the enumerators went into the reservation and took the white settlers found there, did they not?—A. Yes, sir.

Q. Were they also required to make a report of the character of the improvements and amount of tillable land?—A. Yes, sir; the schedule used in taking this census was the same schedule used in taking the United States census of 1880. We used schedules 1, 2, 3, and 5 of the United States census form, and had schedules in addition to them of our own make.

Q. Can you furnish the committee with copies of the reports made from these counties named, showing the number of white settlers found within the reservation, and the character of the improvements?—A. I don't know as you understand how this census was taken. There is what we call a report [witness hands paper to the chairman] which was made to me tri-weekly by the enumerators. I can furnish you copies of those reports, or I can furnish copies of the schedules, but it will take some time to prepare them.

Q. A summary of results is all we want.—A. I can furnish you that now.

Q. Will you give it to us by counties?—A. Yes, sir; of course, I



make my statement from the returns sent in by the enumerators, and not from my own personal knowledge.

Q. We understand that.—A. Mr. E. E. Hawks, the enumerator, whose district comprised all of that portion of Hughes County lying in what was formerly called the Winnebago Reservation, reports as found upon that territory, on the 1st day of June, 1885: "Inhabitants, 329; farms, 185; land tilled, 566 acres." Mr. Titus E. Price, the enumerator for that portion of Hide County lying within the reservation, reports: "Inhabitants, 224; farms, 14; land tilled, 465 acres." L. D. Swatland, the enumerator for that portion of Hand County lying within the reservation, has not yet sent in his report. S. B. Moulton, enumerator for that portion of Buffalo County lying within the reservation, reports: "Inhabitants, 40; farms, 20; land tilled, 103 acres." L. C. Welsh and W. A. Scott, enumerators for that portion of Brulé County lying in the reservation, report: "Inhabitants, 359; farms, 107; land tilled, 2,817 acres," making a total of inhabitants, 952; farms, 326; land tilled, 3,951 acres. This total does not include Hand County, which will be furnished the committee as soon as the returns are in. Now, in explanation, I want to say this: The tilled land, the acreage there reported is taken from column No. 5 of Schedule No. 2, the heading of which is "Acres of land improved and tilled, including fallow and grass in rotation (whether pasture or meadow)." Whether or not these enumerators have taken natural prairie as pasture and meadow, and included that in the tilled land, I do not know, of course. This census was commenced on the 1st day of June. I instructed all the enumerators to begin their field work in the northeast corner of their districts. They all did so, and of course their enumerations were made in this reservation along in the first part of June. The enumerators reported to me at different times. One enumerator, W. A. Scott, reports here that out of 74 houses he had visited on the reservation, he found but 24 inhabitants, the rest of the houses having been abandoned by the settlers after President Cleveland issued his proclamation closing the reservation. The reports made by the enumerators from time to time show that that was very largely the case; that a great many people had left the reservation between the time of the issuing of the proclamation of President Cleveland and the taking of the census. Messrs. L. C. Welsh and W. A. Scott, the enumerators for Brulé County, will meet you at Chamberlain. They report 2,817 acres of tilled land within the reservation in their district. Now, whether that land is all broken or not, I don't know.

By Mr. INGALLS:

Q. The amount seems to be very much in excess of that returned from other parts of the reservation.—A. Yes, sir.

By Mr. JONES:

Q. Very little of that county is in the reservation?—A. There are one hundred and seven farms there. I guess you will find when you go down there that that part of the reservation was pretty nearly all taken up.

By the CHAIRMAN:

Q. As I understand you, these reports of the enumerators embrace only the white settlers?—A. They embrace the white settlers actually found living on the reservation on the 1st of June.

Q. You have stated that one of your enumerators reported a good many of those houses unoccupied. That would not be embraced in the official return, would it?—A. No, sir.

Q. The official return only embraces those houses that are occupied?—  
A. Yes, sir.

Q. The enumerator in his report of tilled land would include, would he not, not only the land in use by the settlers found upon the reservation, but all other land which had been broken, even by those that had left?—A. Yes, sir. Schedule No. 1 is a schedule of inhabitants, and Schedule No. 2 is a schedule of farms. Of course, when the enumerator goes onto a tract of land and finds a farm there, but can find no owner, he enumerates the farm anyhow, and it is shown on the census return as being without an owner. In a great many instances they did not find the men actually on the farms at the time they went there; they were frequently absent temporarily.

Q. Does the return, then, of improved farms show how many of them are occupied?—A. The enumerator then finds out the name of the owner from a neighbor. For instance, suppose the enumerator goes onto the northwest quarter of any section and finds on that quarter a shack with five or six acres of broken land, but nobody there; then on the northeast quarter he finds a shack and some broken land, and there is some person there, he would enumerate the people he finds there as inhabitants, and if, on inquiry, he finds that the owner of this vacant quarter has left, he would enumerate the northwest quarter as a farm on Schedule No. 2, stating that it belonged to John Smith, we will say. John Smith is not put down as a resident, but the return simply shows that the farm belongs to him.

Q. So you have in your office, then, a list of all the farms on that reservation, with the names of the owners?—A. I have, if the enumerators have made returns in accordance with their instructions.

Q. Then by comparing that with the return of population you could determine from those tables exactly who was on the reservation at a particular time?—A. Provided he got the names of all the owners of the farms, and that everybody that went on the reservation actually did some breaking.

Q. But a list of that kind, made up from your records, would be a complete list of all those who had made improvements on the reservation, whether found there or not by the enumerator?—A. Yes, sir; I think so.

Q. And by taking the schedule of population you could tell how many were on the reservation at that time?—A. Yes, sir; that is what I propose doing.

Q. Can you make up such a statement for us?—A. I can, and will make one up and send it to you. It will take two or three days' time to do it.

Q. Have you any personal information at all about these matters?—  
A. None at all. I have never been on the reservation.

By Mr. INGALLS:

Q. Recurring again to the question of population, we have had before us this morning a number of gentlemen who testified that they had temporarily abandoned their claims with the intention of returning. How would that class of settlers be enumerated as residents of the reservation, or as persons not entitled to be counted?—A. Suppose, for instance, the enumerator visited a particular quarter section of land, owned or claimed under the United States law by Mr. Welsh, and found Mr. Welsh there, he would be enumerated as an inhabitant of the Territory. If he was not found there, then the enumerator would make inquiry from the neighbors and enumerate him according to the best

information he could derive. If the neighbors informed him that Welsh had merely gone to Pierre for supplies, and that the family was composed of Michael Welsh, Mary Welsh, and three children, giving their names, the enumerator would likely take their names as residents at that time, then it would be his duty to go back at some other time, when he could find Welsh there, and have him corroborate this statement. If he was a single man the enumerator would likely get information from the neighbors in the same way. If they told him he had only gone away temporarily he would be put down as a resident, and if they said he had left permanently he would not.

Q. So, as a matter of fact, your returns of population would not indicate the number of actual settlers on the reservation the first of June?—A. Yes, sir; that is exactly what they do indicate.

Q. You say that in case of absence the enumerator inquired of the neighbors whether the absence was temporary or permanent?—A. The enumerators made such an inquiry at the time they were there, and then it was their duty to see the man personally at a subsequent time and make their official returns to the office from the individual statement of the man himself, and not from information derived from others.

By the CHAIRMAN:

Q. The only place the enumerator would see this man would be on the reservation; he would not go and hunt him anywhere else?—A. No, but they would return to his farm at such a time as they were told he would likely be there. If, however, when they were going to town to mail a report they should happen to meet the settlers in the town or on the way home, they would take his statement then and there, so as to prevent a trip back to his farm.

By Mr. INGALLS:

Q. Take the cases of settlers who were on the reservation, but left it when they heard of President Cleveland's proclamation with the purpose of returning again when they could legally do so. Under the instructions issued by your office would such persons be entitled to be enumerated as residents of the reservation?—A. Your question applies to persons who had been on the reservation.

Q. Yes, and made claims there, leaving, in some instances, their furniture, as some of the gentlemen have testified they did here this morning, intending to return whenever they could legally do so?—A. Well, if the enumerators followed the instructions as I intended they should they looked upon and regarded every man who had gone upon the reservation and taken a claim as a settler on the reservation with a continuous residence there unless he stated positively that it was his intentions to reside elsewhere.

Q. So, to recur again to your aggregate of population, that number may include, may it not, under the instructions proceeding from your office, one or more persons who were not at that time actual residents of the reservation?—A. No, sir; I do not think it will.

Q. But it might?—A. It might be possible, yes, sir; but then it would be rather out of the ordinary course of things.

Q. As you understand the law and your duties, a person settling on the reservation and making the improvements that have been testified to, such as a shack and breaking, would be entitled to claim his residence there until he declared he intended to reside elsewhere?—A. Well, that is the ordinarily accepted version of residence.

Q. Have you heard the testimony of the witnesses here this morning?—A. I have heard a portion of it.

Q. Some of them have testified that they quit their farms on the reservation and are temporarily residing here. Now, those gentlemen who have testified, viz, Mr. Gross, Mr. Bunning, Mr. Carney, and others, would they be entitled to be regarded as residents on the reservation under your census returns?—A. If they were found upon the reservation—

Q. (Interrupting.) Suppose they were not?—A. If they were found on the reservation on the 1st of June, of course they would be entitled to be enumerated there. If not found on the reservation, but found elsewhere by the enumerator before they had made up their minds or announced their intention to reside elsewhere, either temporarily or permanently, they would be entitled to be enumerated. If they were found after they had made up their minds or determined to reside elsewhere, either temporarily or permanently, they would not be entitled to be enumerated as residents.

Q. Take for illustration the case of Mr. Carney, who lives here in Pierre, but has a shack and breaking down there. Now, suppose he was asked by the enumerator whether he considered himself a resident of the reservation or not, and he replied that he was going to reside there; would he be put down as a resident of the reservation?—A. Yes, sir; if he claimed his residence there he would be put down as a resident.

Q. Whether he resided there or not?—A. Yes, sir.

Q. That is what I wanted to know awhile ago, whether your sum total of population may not include a number of people not actually on the reservation at the time the census was taken.—A. Yes, sir; but in Mr. Carney's case I think he said he was going back immediately, and would have been there to-day except for good reasons. I do not know exactly how the enumerators construed all the questions you mention.

By the CHAIRMAN:

Q. In other words, if there was a house and other improvements on the reservation that Mr. Carney had made, and the enumerator found him elsewhere, and upon inquiring of him he said he still held his residence there, and was going back soon, he would be enumerated as belonging there?—A. Yes, sir.

Q. That was the basis on which the census was taken, not only as to the reservation, but everywhere else?—A. Yes, sir. I instructed the enumerators, however, that where parties had left the reservation by reason of President Cleveland's proclamation they were not to be enumerated as being on it. They could not be, of course; but those still upon the reservation, whose residence was still there, no matter whether they were actually there in person or not, if their residence was upon the reservation and they still claimed that as their residence, they were to be enumerated. I explained all that distinctly to the enumerators.

By Mr. JONES:

Q. I suppose you regarded a man that obeyed the President's proclamation by vacating the reservation as having surrendered his residence there?—A. That is it exactly.

Q. But if he had not obeyed it, and was still there, then he was counted as an inhabitant of the reservation?—A. Yes, sir; of course, those that maintained their actual physical residence there were taken as absolute residents.

By Mr. INGALLS:

Q. What proportion of the sum total would be represented by that class?—A. I should judge the sum total of population reported by the enumerators would include all that class.

By Mr. JONES:

Q. And that they were all actual residents?—A. That is what I understand from these reports.

Q. The enumerators did not enumerate persons who were temporarily absent but intended to return?—A. I do not understand exactly what you mean by temporarily absent.

Q. Suppose a settler had gone to town for supplies, intending to be back the next day?—A. Such a man as that would be enumerated as an actual resident. What I understood you to mean by temporarily absent was that class of settlers who continued their residence there until the time President Cleveland issued his proclamation, and then abandoned it with the intention of returning when they could legally do so. That class of people I do not think are shown upon these returns at all.

Q. Do you think Mr. Carney will be shown upon that return as a resident of the reservation?—A. The old gentleman that testified this morning?

Q. Yes, sir.—A. He ought to be, if he is not. Mr. Carney's statement, as I remember it, was that he had left the reservation on the 1st of May and went back occasionally to see about it. I would call him a resident there, entitled to be counted, if he did not go away in obedience to the order of President Cleveland.

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*Testimony of Edward E. Hawkes.*

EDWARD E. HAWKES sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In the Big Bend, in what is called the Old Winnebago Reservation.

Q. In what is called the Big Bend of the Missouri River?—A. Yes, sir.

Q. When did you go there?—A. The 2d day of March.

Q. Where had you lived before that?—A. At Pierre.

Q. What business were you in before that?—A. In the furniture business.

Q. Were you carrying on a store there?—A. Yes, sir.

Q. Did you sell out your store before you went in the reservation?—

A. No, sir; I closed it up.

Q. Do you mean that you just closed the doors?—A. I closed the doors, packed up the goods, and left them there, and have not been back since.

Q. Did you take your family with you?—A. Yes, sir.

Q. Did you take them with you when you first went in?—A. No, sir; I took them one week afterwards.

Q. Did you make any improvements there?—A. Yes, sir.

Q. When did you make them?—A. I started my improvements the 2d of March.



Q. What sort of improvements did you make?—A. I have a good house.

Q. What is the size of it, and what did it cost?—A. It is 12 by 14, and cost me \$125.

Q. Is it a frame house, weather-boarded, or built like a shack?—A. It is a frame house.

Q. When did you begin to build that house?—A. On the 9th of March, at the time I took my family down.

Q. When did you finish it?—A. I could not say, but it only took a few days.

Q. Have you done any breaking and planting?—A. Yes, sir; I have staked out fifteen acres and broken five, and dug a well.

Q. Have you planted any crops?—A. Yes, sir.

Q. What crop?—A. Corn, potatoes, and garden stuff.

Q. Have you remained there ever since?—A. Yes, sir.

Q. Has your family been there continuously?—A. Yes, sir; my family have never been out of the bend.

Q. State whether you were one of the enumerators appointed to take the census under the law of the Territory?—A. Yes, sir.

Q. When did you begin that work?—A. The 1st of June.

Q. In what county?—A. Hughes County.

Q. Did you enumerate the white settlers in that part of Hughes County within the reservation?—A. Yes, sir.

Q. How many such persons did you find?—A. About 340; that is, in my district.

Q. Did you actually find them all there; did you see every one of those persons?—A. I did not.

Q. How many of those persons did you see at their homes in the reservation?—A. I could not say exactly. If I found a house that was occupied with the door locked, I would, if I could, find out from the nearest neighbor who lived there and report such a person as living there.

Q. And such persons made part of the three hundred and forty residents?—A. Yes, sir.

Q. State how many persons you actually saw in the houses you visited there; that is, how many persons belonging in the families of which one member was actually present in the shack when you went to it?—A. Do I understand you to mean how many people I actually found there, including children and all?

Q. Yes, sir.—A. I should say 250. I could not say exactly, but I think there was that many.

Q. Including the members of the families?—A. Yes, sir.

Q. Did you find all of those members of families there?—A. Yes, sir.

Q. You mean to say they were at these houses when you called?—A. Yes, sir.

Q. And that you actually saw as many as 250 persons there?—A. I could not say positively, but I think that is about the number.

Q. You heard of President Cleveland's proclamation but remained on the reservation notwithstanding?—A. Yes, sir.

Q. According to your present knowledge how many persons do you suppose are now living in that part of Hughes County within the reservation?—A. I was counting up this morning. Just in our little settlement there are 43, but I do not know how many there are in other parts of the reservation at the present time.

Q. Is there any other statement you desire to make?—A. No, sir; I have nothing more to say.

*Testimony of W. H. Heaton.*

W. H. HEATON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. On the reservation in the Big Bend.

Q. What was your previous residence?—A. West Virginia.

Q. When did you come to Dakota?—A. In December, 1884.

Q. Where did you first live in Dakota?—A. I first stopped in Pierre, Dakota, for a month or so.

Q. What did you do at Pierre?—A. I was engaged in nothing.

Q. Where else did you live in the Territory before you entered the reservation?—A. Nowhere else.

Q. You were at Pierre, then, from the time you came to the Territory until you went into the reservation?—A. Yes, sir.

Q. When did you go into the reservation?—A. I left Pierre on the 2d of March.

Q. Did you leave in company with Mr. Hawkes, who has just testified?—A. No, sir.

Q. Did you leave in company with others?—A. Yes, sir.

Q. How many were in your company?—A. There were four of us.

Q. Were you a married man at the time?—A. I was.

Q. Where was your family?—A. My family was at Pierre.

Q. What family did you have?—A. A wife and child.

Q. Did you take them with you into the reservation?—A. I took them there about the 14th of April.

Q. What improvements did you make on your place?—A. I built a house and cellar.

Q. What sort of a house?—A. A small frame.

Q. What size?—A. Ten by twelve.

Q. Was it a shack?—A. Well, I believe it is. I am not sufficiently acquainted to state.

Q. Was it a shanty-built house with boards set up on end?—A. Yes, sir.

Q. What did that cost you?—A. My improvements in the way of building have cost me nearly \$40.

Q. Did you break any land?—A. Yes, sir.

Q. How much?—A. Just a quarter of an acre.

Q. And you planted that, did you?—A. Yes, sir. I had this plowed before President Cleveland's proclamation was issued, and after that I did not plow any more. I wish to make a statement in regard to a few more families there.

Q. Did not Mr. Hawkes state that fully?—A. He did not give the number of married men. There are four families living near by us, and each of those families have done breaking and made other improvements. They came there prior to President Cleveland's proclamation, and have remained there ever since.

CROW CREEK AGENCY, DAKOTA,  
July 19, 1885.

A council was held, and Levi Trudell was sworn as interpreter, Mark Wells, the official interpreter, assisting.

JOHN G. GASMANN, the Indian agent, addressed the Indians assembled as follows :

MY FRIENDS: I am very glad to see you all here this morning. We have some visitors with us belonging to the Great Father's Council, that you have come to meet and talk with. They have come to talk with you, to get what is in your hearts and heads about your lands. They have not come here to take your lands or buy them, but simply to look into this matter of the whites that have come onto your reservation, to find out all about it and report it to the Great Father. The chairman of the committee will speak a few words to you explaining what they have come for; after he has told you what the Great Father has sent them to you for, then he will ask White Ghost and other chiefs to speak for the people. I hope we shall have a pleasant talk, and understand each other and when we part, part with good feeling and good hearts towards everybody. I want those of you who speak to speak freely what you feel, what you think, and not be afraid of any word at all; speak right out whatever is in your minds. This is not a day for foolish words; it is not a day for any words that mean nothing. The chiefs that speak should have sense and know how to speak, and the rest should keep their peace. This is all I wish to say to you now. The chairman of the committee will now speak to you.

SENATOR HARRISON spoke as follows :

MY FRIENDS: Your agent has himself explained pretty fully our object in coming here. We came here not to tell you anything, but to ask you to tell us what your wishes and purposes are about your lands. We have no power given to us by the Great Father to make any treaty or contract with you; we came here simply to find out how things were and report to the Great Council at Washington. We have talked with the white settlers at Pierre and heard what they had to say, and today we want to talk with you as friends and hear what you have to say. We want to treat you fairly; we want to find out what is right, and then ask the Great Council to do that. We want now to hear from some of your wise men, and after they have spoken perhaps some of the members of the committee will ask you some questions or have some further words for the people.

## STATEMENTS OF INDIANS.

### *Statement of White Ghost.*

WHITE GHOST spoke as follows :

MY FRIENDS: When I see you here I do not consider that I see strangers; I consider that I see my relations. I am very happy to have permission to stand before you and express my wishes and the thoughts I have in my mind. Why should I not be here among my friends and relations? In the beginning we were all from one person, so we are relations, and I am very happy and very thankful to meet you here today. My father and my grandfather were friends of the whites; my father did many good works before he died; he went to Washington

and done for his people and the white people. In looking over father's history, the good works he done for his country, I know he did them for the purpose of being remembered. My father did many good works for the white people in saving their lives and making peace between the Indians and whites: he went among other Indians, rescued many captives, and sent them home east. After my father had done these good works, he said to me on his dying bed, "Now, my son, you must follow my footsteps. I saved my country for you, you must look after it and after the welfare of my people. I leave them in your care." Father was an Indian, but he taught me good things, and I listened to his words. Many a temptation to do bad things has come before me, but my father's words would always come to me, and I turned in the right direction. Father's band was composed of 700 lodges, but what has become of father's territory? Bad white people have come among us, and the result is that my country has disappeared. We have now only a small strip of land left, about as large as the sole of my moccasin. I do not want bad white people to disturb my people in their lands; I want my people to pursue the way of the white people here without being disturbed. Nowadays I have to keep my eyes all around me, for the bad white people come onto my land and steal wood and everything else; they bother me a good deal and I have to look out all the while. I thank you again for this opportunity of speaking to you; I consider that I am speaking to the Great Father himself when I am talking to you. Neither my grandfather, my father, nor myself ever ceded any land to the white people; I never ceded any part of my land, and that is why I say the bad white people have come among us to disturb my country; my country was taken away from me without my deeding it. This land we are on runs up to Medicine Creek and down to American Creek; the Yankton tribe had ceded it from me to the white people; the Yanktons sold that land out to Medicine Creek. The Yanktons in the first place stole that country from me and sold it; the same way with the Brulé tribe, east of Medicine Creek; they went to work and sold some of our country there, which we knew nothing about. Now, a few years ago I was forced to sign a paper I did not want to sign; I did not have it in my mind at all to sign it, but they made me sign it; I was scared into signing the paper; these persons told me: "Have you not often seen leaves dry on the trees and fall to the ground? He may think that the leaves will remain there, but when the wind blows they are carried off. Now, if your people do not sign this paper you will be like those—leaves the white people will carry you off." I was afraid we would be removed and went and signed the paper. I do not deny that I signed the paper, but I was scared into doing it, and I know they did not do right when they made me sign it when I did not want to. Now, my friends, I want you to hear what I say and remember it, especially the white people that are here from Chamberlain. I have written a letter to the Great Father at Washington. I said to him that if our other President had taken a second thought and remembered us he would not have opened our reservation, because I know, although I am a poor man and an Indian, that if the Great Father intended to open this reservation he ought to have had something to say to me before doing it. I said further to our new President: "Now, I have but a small piece of land here and the whites have gotten onto it; they are going to take it all away from us; we have not many people, but they want this land to learn to farm on like the white men. The whites have taken it away from us, and I want you to help us to get it back." I said further in my letter to the Great Father: "These people who are coming onto the reservation to take up claims, bring whisky with them,

fight on the reservation, get drunk and raise a good deal of disturbance among my people, which I do not like." In this report to the Great Father I was compelled to report also that one of my people was shot through the foot by one of the white people and that my people were very angry about it, but that me and the agent did all we could to prevent our people from getting into trouble. I also mentioned in my report that our people are raising stock on the reservation, and that since the whites have come on a great deal of stock has been lost, and I know pretty near where it has gone to; the whites went to work and set the prairie on fire right along where we had our Texas cattle, and the cattle got away and quite a number of them got lost out of the herd. I also told the Great Father that my people were trying to build themselves log houses, and went to work and cut logs and bought some boards, but before the houses were put up the whites got in and took the logs and lumber of the Indians. Now, my friends, I have written this to our Great Father about you people just the same as you had written about us. Perhaps some of you people have got hold of my letter and have it yet. What I have said to-day I have said plainly—as plain as I could say it—and am very happy to have said what I have. I said to our Great Father that we had not very much land here, and I did not want to spare even as much as one foot of it; that we needed it all for our own use; that there were a great many of our people yet up above on the Missouri River who were going to come back, and if they did we would not have land enough for us all. Our cattle are increasing every year, and if the whites are allowed to come in and take our land we will have no place for them to graze; therefore I do not wish to let a foot of my land go. I know every foot of it. I want to say something else to you—about our children. We have a great many children here; we are sending a good many of them to school, and have manymore to send. We must look out for them, and as soon as they are old enough they shall take out claims; but if our land is taken away our children will be left without any; they will not be able to do like white people—save money and take up good land where they want to. If our land is left to us, when our children grow up they shall go and take out claims and work on them. Perhaps a good many of the white people present do not like what I say to them, but I cannot help it. A great many people say things to me that I do not like, but cannot help, and now I will say what I have got to say. Every man ought to be friendly with his neighbor; ought to do right by his neighbor; ought to do with his friend as he would to himself. Now we are all friends, and if we are, it would not be right for one of us, because he knows more than another, to go to work and try to beat the man that don't know anything out of all he has got. Here (handing the chairman a roll of paper) is a copy of the paper I told you about a bit ago; I did not want to sign, but had to, and I would like to have you read it now.

By the CHAIRMAN :

Q. We will read it after the council is over and put it in the record.—  
A. That is good. I beg you gentlemen and I beg our Great Father to help us to have the boundaries of our reservation made secure, so that we can stay inside of our reservation and keep the white people out. We have had seven different agents on this reservation since I have been a chief, and when I write letters to Washington—I have my agent do my writing—and I like to have the agent be brave and write just what I say. I have often wished that I could get you people out here so I could have a talk with you, and now to-day you are here, and I am



very happy to stand before you and talk to you. Now, you said a while ago you were going to ask us some questions. I would like the old chief Running Bear to get up and say a few words about the lines of our land. (For paper presented by White Ghost, see Appendix, Exhibit B.)

*Statement of Red Thunder.*

RED THUNDER spoke as follows:

Now, some white men came here a few years ago and made the chiefs sign some papers which they did not want to sign. We knew that the chiefs were fooled, and therefore have always remembered it. Now, the great chief has spoken, but we have other chiefs besides him. We have Drifting Goose, Bull Ghost, White Shield, Crow Man, Running Bear and others that we would like to have speak to you about our land.

The CHAIRMAN. We will hear from any of these chiefs you have mentioned that want to talk to us, but we have only one day to be with you and those chiefs who desire to speak should do so at once.

*Statement of Running Bear.*

RUNNING BEAR spoke as follows:

MY FRIENDS: You have come here from Washington, and we are very glad to see you; it seems me to that the clouds have lightened up very much and that our country has lightened up very much, too. My father's territory had thirteen corners or boundaries. There is one corner at the mouth of the Sioux River; another at Devil's Lake; another at Blue Earth, on the Minnesota River; another at Fort Snelling; another at Cedar Grove, another at Beaver Creek; another at Crow River; another at a place called the Frozen Nose country; another at Lake Shatak; another at Swan Lake; another corner is on the other side of Devils Lake, across the lake; then another one on the other side called the Dog's Land; another one up on the Missouri River at a place called the Lone Tree or Red Butte. From there the line runs right down the Missouri, dividing the islands equally, until they get back to the mouth of Sioux River. I have told you all about our country now. I do not remember of my father selling any of our land.

By Mr. INGALLS:

Question. Who was your father?—Answer. Runs After.

Q. Was he a chief?—A. Yes; he was a head chief.

By the CHAIRMAN:

Q. When did your people first come to live on this reservation, and how long have you lived here?—A. Twenty-three years.

Q. How long had your tribe lived within the corners you have just given?—A. About sixty years, I think.

Q. How old are you?—A. About seventy-five years old.

Q. Have you ever lived anywhere else than within the corners you have named?—A. No; never.

Q. What is the name of your tribe or band?—A. Honk-pa-tes or Camp Followers.

Q. We are glad to have heard your words, and they have been taken down and will be reported to the Great Council at Washington?—A. Good.

*Statement of Drifting Goose.*

DRIFTING GOOSE spoke as follows:

You have asked us about the lines of our lands, and how long we have been inside of this territory or reservation. I shall answer that, and shall tell you what became of our reservation or territory. Our people want to know who authorized the white men to come and take away our reservation this last time. We supposed that when a treaty is made it is done and there is nothing more to say about it. Now, when I was at Washington the Commissioner wrote out a paper for me and told me all about this land here. He said it was ours, and I have always had that in mind.

By the CHAIRMAN:

Question. When were you in Washington?—Answer. About five years ago. I know when the Great Father got the Commissioner to write this paper for us that he did not have him do it for fun; he must have been in earnest, and I took it to be in earnest, too. Now, he said to us that each family should take out 320 acres of land; that that should be our allotments, and we have taken out allotments of 320 acres for each family. He also said our young men and young women would be entitled to take out 80 acres each. He also said to us that when we had taken up our claims, 320 acres for each head of a family and 80 acres for each member and moved on it and built houses on it he would give us all the farming tools we wanted to work with; but I cannot remember of any plows or anything that the Great Father has ever given to any of the families. I never saw any about their houses; but I know you people here can do for us if any one can, and therefore I mention this to you. Now, we have a new President, and we said everything is going to be new, and we have been waiting for you, to hear good new words again. It is not us that have spoken these words, but some of the white men, and we supposed that you would make everything new. I have a great deal more to say, but as there are a great many people here who have something to say, I will close with these few words.

*Statement of Bull Ghost.*

BULL GHOST spoke as follows:

Now, what these chiefs have told you about the lines of our reservation is true, and I shall not say anything further about that. This territory was given to us to live on and help ourselves. The Great Father told us about it, and our agents told us about it, too. When a man wants something that he knows is good, and he sees an honest man he should tell him about it. Chiefs Charger and Stirring Thunder were the two chiefs that went along with the party when they surveyed the reservation, as mentioned by the old chief. Now, at that time, when they surveyed this territory for us, they told us that if we would allow the white men to come in they would learn us many things which would help us very much. The Great Father said to us if we would let the white men in, that the country would not lay idle—we would get something out of it; it would help our people. Now, I know that people often make mistakes and lose a great deal. I know that some of our chiefs have made great mistakes and lost a great deal, but I shall always try to know as much as I can and watch out all I can to help my people. The old chiefs have done a great many things which were not

right; they have lost all our territory. For the last thirty one or two years the white people have surrounded us; they have corralled us up in this place so that we suffer very much. Now, the Great Father had said we should let the white men come into our territory; they are in our territory, and what do we get from them? We get nothing. They take away from us everything we have got and are bringing us down to nothing. I want to tell you people just what I know, because if a man is stealing from another, or taking away everything he has got, and he sees a good man, an honest man, he ought to tell him about it; therefore, I will tell you this. The old head chief Charger, when they had this territory surveyed, made a treaty with the Lower Yanktonais for this country, and it was to be our own, to live in and learn to farm in. I went to Washington once, and there was a house there called the White House. I went into that house and spoke to the Great Father himself. He told me we should own this country; that it was ours; that nobody should take it away from us.

By the CHAIRMAN:

Question. When were you at Washington?—Answer. About four or five years ago. The Great Father told us this reservation was ours; should always be ours, and that all the Lower Yanktonais scattered around should come back and live here. The Indians at Standing Rock Agency and at Fort Berthold are going to come back here, and if they do, this reservation will not hold them all. That is all I have to say about that. And now I am going to speak about the white men that come out from Washington. They come here and tell us we must do so and so and they will help us, but they do not help us any; they do not send us anything, and I beg of you people here that you will try and help us all you can. People come here from Washington and we tell them about a great many things that we need; they go away and we never hear anything about it afterwards. Now, the people that come here tell us we ought to do this and that; but I do not see why we should do this. If we are going to do anything we ought to have Roman Catholics to help us, because we know they are honest people.

Q. When did you first come in this reservation. When did you first draw your rations from this agency?—A. About five years ago.

Q. Where were you before that time?—A. I was at Standing Rock with the Lower Yanktonais. I found things were not just right there, and I went to Washington to have them straightened out. They said they would straighten things out, and I came back, but found it was just as it was before and came here. Now, what was said to me at Washington I will never forget; it is in my mind yet, and I would like to have you help me about that.

*Statement of Crow Man.*

CROW MAN spoke as follows:

You asked the old chief about something that I am going to speak about. We know our country and know where it lays. You have asked us about it and it is right we should tell you. Now, about the reservation, they say they have not sold it and that is true. You say you want us to tell you the truth and we have done so. You say you want to take the truth back to Washington and we have told you the truth. The whites are taking away our reservation a piece here and a piece there, crowding us out and I often wonder what they are doing it for.

I know the white people never do anything for nothing. I know the whites would not so much as drop a one cent piece anywhere and leave it; they would pick it up before going away. The whites are taking our land away from us and we do not get anything for it. I do not see why they should take it when they don't give anything for it; and I wish you would report that when you go back to the Great Father. That is all I wish to say. [Crow Man here handed the chairman the original copy of a treaty entered into between the United States and Black Bear *et al.*, dated Fort Lookout, June 22, 1825, and also a Government medal dated 1817.]

Mr. JOHN G. GASMANN. With the permission of the committee, I would like to ask Crow Man a few questions.

The CHAIRMAN. There is no objection.

By Mr. GASMANN:

Question. Where did you get the paper you have just handed to the chairman of the committee?—Answer. My grandfather had it.

Q. Did he give it to you?—A. No; he gave it to my father.

Q. Did your father give it to you?—A. When my father died he gave it to me.

Q. Do you know where that treaty was signed, where it was made?—A. Yes, sir.

Q. Whereabouts?—A. At the mouth of that creek where Chamberlain now stands.

Q. Do you know whether this tribe was living on this land at that time?—A. Yes, sir.

Q. How long had they been here at the time they made that treaty?—A. Since this Territory was surveyed for them.

Q. Who surveyed this Territory for you?—A. Those two chiefs, Charger and Stirring Thunder.

Q. Where did your people live before they made that treaty?—A. Well, they would be here sometimes, sometimes they would be out back towards the James River, and sometimes towards Yankton Agency. They were inside of where they surveyed all the time, but would be here at one time and at other times somewhere else.

Mr. GASMANN. I desire to call the attention of the committee to the fact that before the marking out by chiefs Charger and Stirring Thunder of the boundaries mentioned by the old chief this tribe occupied this territory, and that at that time the boundaries were definitely defined and marked out by those chiefs.

By the CHAIRMAN:

Q. Do I understand you to say, Mr. Gasmann, that the boundaries the old chief attempted to give us were the boundaries named in this treaty?

Mr. GASMANN. I do not think any boundary is described there; that is simply a treaty of peace. There are no boundaries described in any treaty with these people until in 1863; then the boundary of this reservation was described and defined, as you will find in the report of the Commissioner of Indian Affairs for that year. But the boundaries these people speak of were the great outlying boundaries defined by those two great leading chiefs to make a dividing line between themselves and other Sioux Indians. It was not made by any treaty with the Government, but was simply an arrangement between the Indians themselves defining this territory as the land of the Honk-pa-tes or Camp Followers.

*Statement of Crow Man (resuming).*

By the CHAIRMAN:

Q. Was this medal you have handed us dated 1817 given to your grandfather?—A. Yes, they gave him that medal when they gave him this paper.

Q. Do you know whether this medal was given at the time of that treaty or before?—A. I remember him telling that he got the medal at the time of the treaty.

Mr. GASMANN. The medal is dated 1817, and there is a record among the Indians that certain leading men of the tribe volunteered their services to the United States in the war of 1812 between the United States and Great Britain, and as a reward for their services this medal was given at that time. I think that is the history of the medal, and it was after that that this treaty of peace was made.

*Statement of Smoking Lodge.*

SMOKING LODGE spoke as follows:

I can remember quite a ways back, and can remember what my father said of grandfather's time. We have learned this much, that God has made us and put us into this world to live. Now, you people are here from Washington, there are also people here from Chamberlain, Pierre, and other places, and you all look alike. I say you all look alike, but I do not say you all have like minds; they are here trying to hear something you do not want to hear, and others are trying to hear what you want to hear. The other chiefs have told you about the lines of this Territory as defined by Chief Charger. When we went to Washington the Great Father told us the same thing. What has become of our territory? We do not know; perhaps it is all burned out. The Indians don't know what has become of it; none of us know. The old President we used to have has left us and we have a new President, another man that has been working for that office. He has now got the office and we are waiting from day to day to hear what he is going to do for us. We Indians know what money is as well as whites; we raise wheat now and sell it for money; we cut hay and sell it and get money for it, and chop wood and sell it for money. Our white neighbors out back of the reservation used to say they were our friends, but lately they have not acted as friends, because they jumped into our reservation, built shanties on it, took out claims, and tried to crowd us away from here. We have reported it in Washington, and perhaps you have heard of it. We have not told any lies about it. You have traveled through the reservation, and I presume you saw lots of shanties as you were going along. They have tried to take this reservation away from us; and not only that, they have reported in Washington that we are mean, that we are doing this and that. Now, you see the Indians here; they are very glad to see you, so they can report to you and you can carry the report back. Perhaps our friends back of the reservation here, the whites, do not like to hear the report, but what do we care for that. We have counted the children in Chief White Ghost's band, and there are ninety children in it; there are plenty of other bands besides that band, and plenty of other children in their bands we did not count; we just counted the children in that one band to see how many children there were. If the whites take away our land, what shall we do with our children? Where are they going to take up claims? As our children grow



up they must have claims. We have a good school here where we can send our children to learn to read, and we have plenty of boys and girls to send. If we can have this reservation by ourselves here we are going to try and teach our children and civilize ourselves; but if the whites crowd us out and take everything away from us, I don't see how we can help ourselves in any way. I can prove to you that we can civilize ourselves here as well as anywhere else, and I can prove that our children can learn to read and write here as well as anywhere else. If we can find a school-boy outside here you can bring him in and ask him anything you have a mind to, and he can answer you in English. He has learned that in this school-house here. Now, there is a good school at Hampton; we know it is a good school, because we have sent our children there; some of them got back, but some never got back; they died because the climate did not agree with them. Those children that have come back from there read and write English well, and we have also a good place for them to go to school here and learn. The people here at Crow Creek Agency do not wish to have any more of their children go to the Hampton School (that is why I mentioned about the school here), because we know we have a good school here without sending them off. Our children are well taught here; we have a good agent that takes good care of them. He has learned them all he can. There is no need of our sending our children away when we have a good school here. We are now trying to send our boys and girls to school, so that our boys will learn how to farm and take care of stock and our girls will learn how to keep house. The old chief, Charger, has a son living at Devil's Lake who has one of the old treaty papers yet, and the agent there knows all about that paper. You can help us a great deal in the Great Council when you go back to Washington, and we hope you will do all you can to help us; therefore we present to you what we have to say. I have spoken to you about our friends, the whites living around us in Chamberlain and out towards Pierre and Medicine Creek. Before you got here those white men were standing around just ready to jump onto us and take away every thing we have got. Now I hope after this that they will stay back and leave us alone. As I said to you a bit ago, there are present here some white men from Washington, some from Chamberlain, Kimball, and Pierre. You all dress alike and look alike, but I do not say you all have the same minds. Some of you have come to take pity on us and help us, to get the truth out of us to take back to the Great Father; and some of the white people that are sitting here listening are the same persons who have been waiting for days to jump into us and take everything away from us. I am a poor Indian, but I have a band to take care of, and I try to teach my band what they ought to do. As I said, I have a band, and I want my children in the band to go to school; I want them to learn something. If I try to push them ahead they will never learn anything, but if I take the lead they will follow me, and therefore I am taking the lead. I want them to go to school and church. I want them to learn something, and I am going to take the lead, and I want them to follow in the way I make for them. Of course if a man is a liar, drunkard, and thief, he is no man, he is of no account at all. My father before me was a chief and a great friend of the whites; he used to do a great deal for them. If there was any trouble anywhere and any prisoners captured, he used to go and take them away and bring them back to the whites. I have papers here I would like to show you [handing a number of papers to the chairman]. I spoke to you about a drunkard; I said that because our agent here does not do any such a thing. He is not a man that will

drink whisky and stagger about his office. When I spoke about a liar I knew our agent was not a liar; he is a truthful man. I speak of this so you may know that whatever he says at Washington about our people is the truth; therefore I say I wish we could keep this agent as long as possible, because we know he is a good agent.

By the CHAIRMAN:

Question. How long have you lived on this reservation?—Answer. I was born here; I am fifty-two years old. I was born just north of here a ways, and I have been around here ever since.

Q. Do you mean that you were born on the present reservation called the Crow Creek and Winnebago Reservation?—A. I was born 10 miles above Cheyenne Agency.

Q. On which side of the river?—A. On this side.

Q. When did you come to live here on the reservation?—A. I could not answer you, because I could not say I came from anywhere. I have been on this reservation all the time; so I never came from anywhere; I have been here.

Q. What relation to you was this chief "Buck," named in this letter of Mayor Patton's?—A. My father.

Q. We will have copies made of all these papers and letters you have handed me and return you the originals.—A. Good.

[For copies of documents presented by Smoking Lodge see Appendix, Exhibit C.]

Q. How much land are you farming?—A. I could not answer that; I do not know how many acres it is in all.

Q. Can you tell us how much wheat or corn you raise?—A. I could not say how much, but we raised a good deal of wheat last year. I could not say how many bushels.

Q. Did you raise enough to live on?—A. We have raised plenty, but, of course, we have to sell our wheat. We have no grist-mill to grind the wheat, and, therefore, the wheat buyers can pay us any price they please, because we have to sell it.

Q. You sell your wheat and get other things with it, instead of having it ground in a mill?—A. Yes, sir.

Q. State whether your farming land is increasing every year.—A. Yes, sir; it increases every year. Every spring we go to work and break new ground and make our fields larger; every year they are improving. There is another thing I want to speak to you about. We want a surveyor to come here and survey our lands, because there are lots of our people at Standing Rock and Devil's Lake who want to come back, and will be back here yet, and we would like to have our reservation surveyed, so we can give them all land.

#### *Statement of Dog Back.*

DOG BACK spoke as follows:

MY FRIENDS: This is a very happy day that God has given us. God has helped us to meet here. You see we are Indians here. You see all these Indians sitting here; they do not look savage; they do not look as if they were going to hurt anybody; the whites surround us here, but we do not seek to raise any trouble or do any harm to anybody. You can see that for yourselves. Now, the Great Father surveyed this land out for us to live on; it is ours; it is like a nest; we are right in a nest here. The Great Father said he wanted us to work, and you have heard what the chiefs have said. We all want to help ourselves as much as we can.

I have always thought that when the Great Father at Washington decided on anything it was done. You can see that I am not a very old man; there are two old chiefs here you can see sitting over there; their days are short and they can get along any way, but our children that are growing up have to learn a great many things, and it is the white man's way they have got to learn. These chiefs have told you about our territory, about this whole territory being ours once, and its being lost and gone and that we have not received anything for it. Of course they have told you the truth, and I do not intend to go on and say anything more about it. Of course we are living on this reservation, and when we moved on it we intended to live here; we went to work and put up houses on our claims, and went to work breaking the land to make farms for ourselves. As far back as I can remember, when I was about twelve or thirteen years old, we used to live in tepees down here all in one camp and just one field for the whole tribe to farm. I can show you the old field we used to have here when I was about thirteen years old. I can remember that we raised corn there.

By Mr. INGALLS:

Question. Where was that old field of corn?—Answer. About 4 or 5 miles below here on the river.

By the CHAIRMAN:

Q. How old are you now?—A. Fifty-three years old.

Q. Did your tribe live near that field when you were thirteen years old?—A. Yes, sir.

By Mr. GASMANN:

Q. State whether that field you planted altogether at that time was a very large field or a small field.—A. It was a large field, but I could not say how many acres it was because I did not know what acres was then.

Q. Does one Indian now have a field larger than all of them had at that time?—A. Those days, of course, we did not understand anything about farming, but since that we have found out that we have to do better than that, so each man has went to work and made himself a good farm, broke it, and built a good house on it; the people do not plant in that field now; each man has a house which he claims and land he farms by himself. The Great Father has sent you people out here to find out the truth about these things. You have heard a good many of the chiefs speak, and now I presume the Indians would be very glad to hear something from you.

By the CHAIRMAN:

Q. Where did you get your rations when you were thirteen years old and the whole tribe lived together on this large field?—A. Well, those days there were lots of buffaloes around, and that is where we got our rations, and then there were traders we could go to and get what we wanted. We also would pay those traders to go out in the field and plow up the ground for us. Now, I want to say another thing. Many years ago, when other agents were here, we used to get lots of rations, and they wanted to keep us near the agency and feed us all they could, but now we are moving about taking out claims, and the Great Father has given us a good agent to help us along. You people can see for yourselves that we have a good agent. He has tried to put all the people that have families on farms and has told them to work their claims and put up houses and stables. He has also told our people to put

their children at school and try to learn them what they can. You see boys around here all dressed like citizens. He has learned them all he can. He has put up a good building here for a school and you can see for yourselves that the agent is trying to help the people all he can.

*Statement of White Shield.*

WHITE SHIELD spoke as follows:

I have not anything to say to you people now because the chiefs have said all there is to say, but I want to show you this medal and these papers that were left in my father's care, and he told me whenever any white men came here to show them these papers and they would know me by them. [Hands papers and medal to the chairman.]

(For copies of papers see Appendix, Exhibit D.)

By the CHAIRMAN:

Question. Do you know when this medal was given to your father?—

Answer. No; I don't know; I was nothing but a child then.

Q. What was your father's name?—A. Killed Omaha.

Q. When were you appointed a chief?—A. I have been a chief fifteen years.

Q. When was this paper making you a chief given to you?—A. Here at this agency.

Q. How long had your father been here before that paper was given to you?—A. We came here from the James River, and had only been here a little while until father died.

Q. How long after you and your father came here were you made a chief?—A. Soon after father died they made me a chief.

Q. How long had you been here when your father died?—A. My father died the same year we came here, and I was made a chief right away. We came here in the spring, just about the time they put in corn, and when the corn was about a foot high the old man died.

*Statement of Left Hand.*

LEFT HAND spoke as follows:

I am going to speak in White Shield's place. He is nothing but a boy; he has not nerve to talk. I am going to speak for him: I am a soldier of White Shield's. When the old chief, White Shield's father, was going to die he said to him "Now, I leave you in charge of my band. I want you to take care of them. I want you to do all you can for them." White Shield was to go to Washington, but could not go because he could not make a speech and I went in his place. All the chiefs have spoken regarding this reservation; they do not want to leave it, and, of course, I am of the same mind; I do not want to lose it. To-day you people are here to find out the truth and facts about our reservation, and we are all very happy to answer you the best we can. We used to live on the James River when Killed Omaha was alive; we farmed there twenty-five years; we farmed with our hands; we had no tools to farm with. After he died the whites beat us out of that place on the James River and we had to move back to this agency. When I was at Washington I remember just what was said to Drifting Goose. The Great Father said to him at that time: That if they sent anybody here and they did not do justice, but injured the people, they should write to them and send them off the reservation. Since we came here we have taken up

claims and started to farming, but now we are not sure whether we are going to have our country or not; we expect to be beat out of it every day. I cannot have any rest at all for thinking about losing the reservation. The Great Father also told us that we were to have a church here. Well, we have a church, but I am speaking as a soldier, and I say that the church is an enemy to us. If we could have a Roman Catholic priest here we would live longer. The Great Father also promised to give us more rations if we would leave the James River and come to this agency, but we have got less since we came here.

*Statement of White Ghost.*

WHITE GHOST spoke as follows:

Here are my medals that I go by; they were given to my father and I show them to you out of regard for my grandfather and father and the friendship they showed the whites.

The CHAIRMAN. We are very much pleased to see the medals and to know that you have kept them with so much care.

*Statement of Senator Harrison.*

Senator HARRISON addressed the council as follows:

We think we have now heard from all your chiefs and headmen who have anything to say to us in relation to your reservation, and we propose to bring the council to a close. We are glad to have met you here to-day, and have been very much interested in what you have said. As I said to you in the beginning, we did not come here to decide or settle anything, but only to hear what you had to say and report it to the Great Council at Washington. We have heard what some of the settlers had to say at Pierre; we have heard what you have to say, and will hear what other settlers have to say at Chamberlain, and after we hear all the statements we will report them to the Great Council, and the Great Father will study them and decide the matters that are troubling you now. The committee that are here to-day, as well as other members of the Great Council, desire your good. We want to deal with you honestly and fairly; keep the contracts and treaties that have been made with you, and try to and encourage you to support yourselves by farming and live like white men. I think we can say this to you, and you may rely on it, that no Indian who has taken up land and made a farm will ever have it taken away from him. You must not then be disturbed or troubled, but let any Indian who is on his own farm go on with his work of improving the land, raise corn and wheat, and quietly wait until this matter is settled. You will make friends among the white people if you go on and learn to be industrious, support yourselves, raise your own corn and wheat, and have your own horses and ponies. Next winter, when the Great Council meets at Washington, all that you have said to us to-day will be printed and read by them all; then after they have consulted together they will probably appoint some persons to come here and talk with you and let you know what will be done.

The council was here adjourned and the taking of testimony resumed.



*Testimony of Henry L. Jones.*

HENRY L. JONES sworn and examined.

By the CHAIRMAN:

Question. You are employed at the Crow Creek Agency, are you?—

Answer. Yes, sir.

Q. How long have you been employed here?—A. About ten years and three months.

Q. What is your employment?—A. Chief herder.

Q. About how many cattle are used here per year?—A. I don't know as I could say exactly without looking it up, but somewhere from 800 to 1,000 head.

Q. In what quantities are they delivered?—A. All the way from seventeen to twenty-two and twenty-three head.

Q. I mean in what quantities are they delivered by the contractor?—A. They are delivered in two bunches, or have been for the last two years. The first lot we got last year, I believe, was 80 head.

Q. How is the delivery in the fall, large or small? Is the delivery in the fall enough for the whole winter?—A. Yes, sir; they deliver enough to last till the first of July following.

Q. About what number are delivered in the fall?—A. Somewhere about 700 head.

Q. Where have they been kept since you have been here?—A. In what is called the Big Bend.

Q. Is that place especially adapted in any way to keep them; if so, how?—A. Yes, sir; it is the only place in the country to hold cattle, that is, for water and good feed.

Q. You say "the only place in the country;" do you mean on the reservation?—A. Yes, sir.

Q. Why can they not be held at other points on the reservation?—A. The range is not good, the grass is not good, and they have no water.

Q. About what are the dimensions of the Big Bend? How many miles is it across the neck?—A. We call it 12 miles across the neck, but it is probably, at the shortest place, about 9 miles.

Q. About how many acres are there in it?—A. It would probably square up two townships. There are portions of three or four townships in it, but they are fractional.

Q. Do I understand you to say that there is no other place on the reservation where a herd of cattle could be kept through the winter?—

A. Not successfully, I do not think, and I have been on the reservation herding cattle for 13 years.

Q. On other reservations?—A. No, sir; right on this one.

Q. Have you been here for 13 years?—A. Yes, sir; handling cattle more or less, not as agency herder all the time, but have herded a good deal for the contractor, and the Big Bend is the only place we can herd cattle successfully.

Q. What shelter do they get there?—A. Timber and brush.

Q. What kind of grass do they get there?—A. There is nice grass there; and in deep snows they can generally pick around in the timber.

Q. What has been your experience there, taking last winter, which was an unusually severe winter, was it not?—A. It was very severe—colder than any winter since I have been here.

Q. Was there much snow?—A. Quite a good deal at times.

Q. What was your experience last winter? How many cattle did you put in the Big Bend in the fall and how did you come out with them?—A. We put in something over 800 head and lost 5; 2 of those died before winter set in, 1 fell over the river bank and was killed, and 2 slipped down the bluff, got fast, and died. We had none die for want of food at all.

Q. How is it as to settlers in the Big Bend; have a good many gone in there?—A. Not many; no, sir.

Q. Taking the bend as you have described it, how many settlers have gone in it between the line across the neck and the river?—A. Do you mean how many went in and built shanties?

Q. Yes, sir; at first.—A. Between fifty and sixty, somewhere along there.

Q. How many of them remain there now?—A. There is about twelve that have been there permanently.

Q. Have those twelve families with them?—A. No, sir; not all.

Q. How many of them have families?—A. Probably seven or eight; not over that.

Q. And the others are single men?—A. Single men and women.

Q. Have some women taken claims there?—A. Yes, sir.

Q. Have they been living in those shanties?—A. They live three or four together. There is one family there consisting of an old lady, her son, and two girls. They all have claims, but live together in one shack, and there are several others the same way.

Q. You think there are now in the Big Bend remaining in their shacks about twelve settlers?—A. Right at the present time there are more than that.

Q. Have they come back?—A. Yes, sir.

Q. When?—A. Some returned yesterday, some the day before, and some the day before that.

Q. Do you know what induced them to come back? Do you think it was anything in reference to the visit of this Senate Committee?—A. I think so.

Q. Have you heard any of them say anything about it?—A. No, sir; I have not talked to any of them at all.

Q. But you say that yesterday, and the day before, and the day before that a number have come back?—A. Yes, sir.

Q. You do know whether they have remained there since or have gone out again?—A. I do not.

Q. What effect will the presence of settlers in the Big Bend have upon its holding cattle?—A. I think it will be very difficult to keep cattle in there, for the people are putting up hay and have corn and potatoes, and when the cattle are in there the settlers will drive them away from their claims back from the river.

Q. Are their claims inclosed?—A. Yes, sir; but I think it will be very difficult to hold the cattle in there anyhow, under the circumstances, because they are bad enough to keep for a couple of months after they come without anybody in there.

Q. How many herders have you besides yourself?—A. I have two besides myself for a couple of months, until the cattle get used to the range, and then only one.

*Testimony of John G. Gasmann.*

JOHN G. GASMANN sworn and examined.

By the CHAIRMAN:

Question. Major Gasmann, I will ask you how long you have been connected with the Indian service of the United States?—Answer. I have been connected with the service a little over eight years, sir.

Q. How long have you been the agent in charge at the Crow Creek Agency?—A. I took charge of this agency two years ago in May. I came in May, but did not take charge until June 7, two years ago.

Q. What agency had you previously been connected with?—A. The Yankton Agency.

Q. How many Indians have you drawing rations at this agency?—A. We have between 1,040 and 1,050.

Q. Have not you the exact number?—A. Yes, sir; but they vary. Some weeks the whole number of families will not be here and other weeks they will be here. We have 1,050 Indians registered, but sometimes a few Indians will be gone on visits.

Q. So it is between 1,040 and 1,050 Indians that you ration?—A. Yes, sir.

Q. Are they all of one tribe?—A. No, sir.

Q. What tribes are represented?—A. The Yanktonnais tribe, the Yankton tribe, the Santee tribe, the Teton tribe, and the Brulé tribe. They principally belong to the Yanktonnais tribe, but there are a few others belonging to the tribes I have mentioned.

Q. How many separate bands are there here?—A. We have ten chiefs and twelve bands. There are two bands without any chiefs.

Q. How many acres of land are included in the Crow Creek and Old Winnebago Reservation?—A. 640,000 acres.

Q. State when and how you first heard of the order of President Arthur, of the 27th of February last, opening a portion of the reservation to settlement?—A. Well, I heard a rumor to that effect on the 25th and 26th of February, I think. There was a rumor came from Chamberlain that it would be opened, but I paid no attention to it, thinking nothing of it, as I had received no official notice of it.

Q. When did you first receive any official notification of it?—A. I received no official communication in regard to it until I telegraphed the Commissioner of Indian Affairs. My telegram was to this effect: "Has the Crow Creek Reservation been opened to settlers?"

Q. When was that telegram sent?—A. That was sent about March 6. I sent that telegram to the Commissioner and received the following reply:

WASHINGTON, D. C., March 9, 1885.

The Winnebago and Crow Creek Reservation was reduced by Executive order on the 27th of February. There will be no excitement among the Indians if you do your duty. They are fully protected in their rights by the order.

M. L. JOSLYN.  
*Acting Secretary.*

Q. That was the first official notice you had, and that was in response to an inquiry made by you after hearing these rumors?—A. Yes, sir.

Q. Before that time had settlers come in upon the reservation?—A. The settlers began coming in on the reservation about the 27th or 28th of February, 1885. They came in in great numbers from all sides.

Q. Do you know whether any of the claims taken by them were laid upon any lands in actual use by the Indians?—A. I think there were

several claims taken that conflicted with Indian allotments below here, in what is called the Brulé Bottom. There were several complaints made to me at the time to that effect. I notified the settlers, and on examination found some settlers had taken claims that lapped over into Indian allotments.

Q. Did they withdraw upon being notified of that fact by you?—A. After a time. I think there are none now conflicting—yes; there is at present one claim being occupied which had not been properly allotted to the Indian, but the Indian had made a claim there; was living upon it and cultivating the land. The white man took the claim and cut the Indian's field in two, and the Indian abandoned the claim to the white man. I would say, however, in regard to that, that the claim belongs to an Indian woman who is married to a white man.

Q. What was the effect of this order opening the reservation upon the Indians; did any disturbance or excitement result from it?—A. They at first came to me and reported it, and were, I think, greatly stirred up; but so far as excitement goes I did not think it was very serious at the time, but feared it might be.

Q. You may state what advice you gave and what efforts you made to prevent any conflict or disturbance among them?—A. As soon as the Indians reported to me that the white men were coming in upon the reservation I thought the matter over, and counseled the Indians to keep perfectly quiet; to have nothing to do with the white men and not to resist them. I warned them particularly on that subject, and they listened to me very attentively and promised they would not.

Q. State whether, before you had received an answer to your telegram as to the opening of a part of the reservation, you served any notice upon the white settlers who had come in upon the reservation?—A. I had the following notice served on the settlers through my police, in charge of the farmer, a half-breed who could speak perfect English to act as interpreter, with instructions that they should simply read the notice to the people, but take no action whatever towards dispossessing them:

CROW CREEK AGENCY, ~~DAKOTA~~ TERRITORY,  
February 27, 1885.

*To whom it may concern:*

The bearer, Brother-of-all, captain of police at Crow Creek Agency, is hereby instructed to proceed and inspect the northern and western boundaries of the reservation for the purpose of warning squatters and others to remove from the reservation should any be found thereon. Any property, lumber, &c., found on the reservation in violation of law will be confiscated and the persons intruding will be proceeded against in the United States courts.

JOHN G. GASMANN,  
United States Indian Agent.

Q. At the time of sending out that notice you had no information whatever of any order reducing the reservation?—A. I had no official information whatever. I had heard rumors, but nothing officially.

Q. That notice of yours was dated the same day of the proclamation of President Arthur?—A. Yes, sir; the 27th of February.

Q. What time in the day did you send that notice out?—A. I could not tell you the hour, but it was in the forenoon, I think.

Q. Do you mean to say that any settlers had come into the reservation as early as the forenoon of the 27th of February?—A. Yes, sir; I heard they had, and that caused me to send the notice out.

Q. Had you seen any yourself?—A. I had not, for I had not been out on the reservation.

Q. Did the officer you sent out with the notice report finding any people that day?—A. Yes, sir.

Q. On what part of the reservation?—A. He went up above, on the upper end of the reservation, and found settlers there who had built little shanties. He exceeded my orders and tore down some of them. They jeered him and abused him until the Indian became very angry, and I think he tore down a few of their shanties right in their presence and told them to leave.

Q. Are you sure that was on the 27th of February?—A. Yes, sir. I have the date of my order.

Q. Then these settlers must have entered the reservation before the proclamation was issued?—A. There was no proclamation known to them or sent to them until I showed it to them. I had the first copy of the proclamation that arrived in this country.

Q. They may not have seen the proclamation, but may have had unofficial notice of it on the 27th of February?—A. Yes, sir.

Q. Had those persons who came in on the 27th shacks already up when the notice was served on them?—A. Many of them came in on the night of the 26th or 27th.

Q. If they were there on the 27th, when you sent this man out with that notice, they could not have come in during the night of the 27th?—A. I had heard of people being in there. It was a long distance from here. It was reported to me that people had come in there.

Q. Is it not possible that it was the next day, the 28th, that your captain of police found those shacks there?—A. No, sir; I do not think there can be a mistake. I dated the order on the 27th. Well, he did not reach there until the 28th.

Q. So it was on the 28th of February that he found those persons there?—A. Yes, sir; that is true.

Q. So they probably came in on the night of the 27th?—A. Yes, sir; they probably did. The Indians are constantly traveling over the reservation, and anything of that kind is immediately known and reported.

Q. Had it been reported to you that settlers had come in on the reservation before you issued that order?—A. That was the cause of my issuing the order.

Q. It had been reported to you that settlers were already in the reservation on the 27th?—A. Yes, sir.

Q. Did your captain of police report to you what he had done in relation to tearing down shacks?—A. He did not immediately. I was not aware of it until some time afterwards, and then I spoke to him about it. He excused himself, said he knew he did wrong, but that he was greatly tried; he said the men jeered at him, laughed at him, said that my authority was of no account, and that he at last became angry and tore a few shacks down—I don't know how many.

Q. Was there any conflicts between the whites and Indians of any kind?—A. No, sir; that was the only occasion, so far as I know, where there was any act of resistance shown by an Indian. I know of no others.

Q. Have you any information as to the number that came in upon the reservation?—A. At that time?

Q. Yes, sir; or before the order of revocation.—A. I have no accurate knowledge, but from the best information I could obtain I think that during the early part of the month of March there must have been 1,500 people on the reservation.



Q. If you issued any other notice to the settlers than that you have already given, please furnish us a copy of it.—A. I will do so.

CROW CREEK AGENCY, DAKOTA TERRITORY,

March 2, 1885.

NOTICE.

No action having been taken by the Government to open the Crow Creek Indian Reservation for settlement, all persons now on the same are trespassers, and are hereby warned to withdraw and to remove their property. All property found on the reservation after the 4th instant will be confiscated by the Government. No one except an Indian can obtain legal rights to lands on the reservation by squatting, building, or surveying.

JOHN G. GASMANN,

United States Indian Agent.

Q. At the time you issued that notice you had not received the telegram from the Acting Secretary of the Interior to which you have referred?—A. No, sir; I had not.

Q. Did you have the notice you have just read served upon the settlers?—A. I had it served upon the settlers by the police under the control of the farmer, who is an interpreter, and whom I constituted for the time being chief of police for that purpose.

Q. Is he a white man?—A. He is a half-breed.

Q. Then the next step you took was to telegraph to the Secretary of the Interior, and you received the response that you have already given us?—A. Yes, sir; I would add that the effect of this notice was anything but what I had expected; it was derided and the police treated with some considerable contempt; they were not molested, however.

Q. After receiving the telegram from the Acting Secretary of the Interior to which you have referred, state what efforts you made to compose the Indians.—A. I notified the Indians that I had received such a telegram, and told them that they must refrain from all opposition, from all interference with the settlers upon the reservation. I used all the persuasion in my power to show them the necessity for keeping quiet and submitting even to indignities. The Indians seemed to comprehend the situation, and promised, by the advice of their chiefs, particularly White Ghost, to do no act of violence of any kind, and as the chief expressed it: "Even if the whites use us as the ground to walk upon, we will submit."

Q. What was the effect of the order of President Cleveland revoking the previous order as to the action of the settlers? Did many of them leave the reservation?—A. A portion of the settlers left the reservation upon receiving notice of President Cleveland's proclamation.

Q. Did you issue any notice yourself? Was that proclamation communicated to you officially?—A. It was not. I therefore did not take any official action myself in regard to it. I simply saw it in the public prints.

Q. You say a portion of the settlers left the reservation on receiving notice of President Cleveland's proclamation. What proportion of them left?—A. Some of the settlers left at the time they received notice of President Cleveland's proclamation. I could not tell you how many exactly, but quite a number, and I think they were principally those who were actual settlers; that is, persons who had come on the reservation intending to make *bona fide* homes. Many of them withdrew upon receiving notice of the proclamation. Some of them came and consulted me, and I advised them to withdraw; they said they had come here to make homes, but if they could not get a title to the land they did not wish to stay.

Q. Have you any means of knowing what proportion of those that came in upon the reservation left upon the publication of President Cleveland's proclamation?—A. Well, sir; I think at least one-half of the actual settlers left.

Q. And have others left since?—A. A great many of those who first came upon the reservation were never there permanently. They came in, built their shacks, and were off and on, and have gradually, one after another, withdrawn until now there are but few on the reservation, unless they have come back in the last few days.

Q. Have you any means of ascertaining how many have kept up their residence upon the reservation from the time of their first settlement?—

A. I have no accurate knowledge of the number except in the upper part of the reservation. I have received a report from my chief herder, and we find about sixty settlers in the upper portion of the reservation, which is about one-quarter of the territory embraced in the reservation.

Q. About sixty remaining?—A. There were about sixty remaining when I received that report, which was about a week ago.

Q. And that embraces about what proportion of the northern part of the reservation that was thrown open?—A. Those sixty persons were scattered over five townships in the western part of the reservation.

Q. How was it as to that part of the reservation down towards Chamberlain, as to the number of settlers who came in and the number that remained?—A. At first there was quite a large number of settlers on that portion of the reservation, but within a short time they withdrew, so that at present there are but very few outside of the town-site of Chamberlain.

Q. You do not mean the town-site of the town of Chamberlain?—A. No, sir; but the new town-site that was started on the reservation near the town of Chamberlain. Outside of that there are but very few settlers. I really know of but one family now remaining in the tier of townships along the river, bordering on the river. In the townships further north there are more settlers remaining, but just how many I am not able to state. It is my opinion, however, from such information as I have, that there are not at the present time three hundred actual settlers on the whole reservation.

Q. What is the character of the land in the Great Bend as to its being adapted to agriculture?—A. There is but very little of it, I should say, adapted to agriculture. A small portion of it bordering on the river is fit for agriculture.

Q. Is there timber on it?—A. Some little timber. The rest of the bend is composed of rough broken land, high hills and deep ravines, fit for nothing but pasture. For that purpose it is very valuable.

Q. What is your opinion as to the value of that land in the Big Bend to the reservation?—A. Well, sir; I should consider it very valuable to the reservation, as it is the only fit place we have to winter our beef herd. It is the only natural pasture there is on the reservation.

Q. You mean winter pasture?—A. Yes, sir; in connection with the reservation I consider it *exceedingly* valuable.

Q. Do you mean to say that there is no other point on the reservation where a herd could be kept through the winter?—A. Yes, sir; there is no other place without feeding. In the first place, there is no shelter anywhere else, and cattle cannot be herded in this country without shelter. If they do not have shelter they will perish in great numbers in the winter. In the second place, there is no feed anywhere else. The broken lands in the Big Bend are full of excellent grass that cures and

remains nutritious through the winter. Then there are springs in the Bend where cattle can always get water in the winter. It also joins the river where there is timber for shelter, and they can browse upon the young timber and get to the river for water. It is also valuable because the Big Bend takes in a large extent of country, and on account of the peculiar formation of the land and the flow of the river cattle are easily herded and held in there. A large herd can be kept in there by simply guarding a distance of 9 miles across the neck of the bend.

Q. Are you able to state how much land in this reservation the Indians are cultivating now?—A. Yes, sir.

Q. I will ask you to state, if you know, how much is inclosed by fencing and how much is under cultivation?—A. I have the report of the additional farmer who has been employed at this agency up until the end of the last fiscal year, when he was discharged by order of the Government.

Q. His report comes up to what time?—A. His report comes up to the 30th day of June, 1885.

Q. Please state the number of acres under cultivation by the Indians.

—A. Eleven hundred and four acres.

Q. Has the average of tilled land in the reservation been increasing since you have been here?—A. Yes, sir; every year.

Q. What proportion of the Indian families have selected land and taken out allotments?—A. We have 239 actual allotments.

Q. Of how many acres each?—A. Varying from 80 acres to 320 acres.

Q. Upon what is that variation based?—A. The head of a family is allowed to take up 320 acres, and single persons but 80 acres.

Q. And the allotments have been made upon that basis?—A. Upon that basis according to instructions.

Q. Have those claims been surveyed and the lines accurately established?—A. Those claims have been all surveyed and the lines established. Besides those claims there are a number of other Indians who have selected lands, but whose claims have not been surveyed, that are now waiting a survey.

Q. Have they gone upon their allotments?—A. Most of them have.

Q. Have they begun any improvements?—A. Yes, sir.

Q. Can you tell us how many Indians have actually located themselves upon land that has either been formerly allotted to them or that they are waiting to have assigned to them?—A. The great majority who have allotments are now living upon them. I am not able to say exactly at the present time how many of those who have allotments are not on them, but the great majority of those that have allotments are living upon them.

Q. And what proportion of the whole number of Indians here have taken allotments?—A. Almost every head of a family has taken an allotment; there are very few who have not, and they are people who have come here lately.

Q. How are those selections made?—A. They are now made by the Indians themselves. They come to me and say, "We have selected a piece of land and wish it to be allotted to us." They then describe it as well as they can, and I make a temporary entry pending a survey.

Q. Are those selections judiciously made by the Indians?—A. Very often they are made quite judiciously.

Q. Do not they need some supervision?—A. They are well acquainted with their own land and have naturally selections in their own minds; and I find it best for the Indians to select their own homes.

By Mr. INGALLS:

Q. Where do they generally locate?—A. So far as they are able they locate on streams where there is water, some timber, and also arable land.

Q. Are there claims of that description, with timber and water sufficient to furnish allotments to all the Indians in the reservation on the basis you have mentioned?—A. There are not. Many of the Indians have been compelled to take up allotments where there is neither water nor timber. The system of taking up allotments in the past has, I think, been unfortunate. The Indians were allowed to take up a whole claim in the timber and, consequently, some have a good deal of timber, and others have none. It has been the cause of considerable trouble among them. An Indian who has had to take an allotment out on the prairie where there is neither water nor timber feels he must have timber, and they have depredated upon the claims of those who have all timber; and it is a very hard case.

By the CHAIRMAN:

Q. (Interrupting.) You think the allotments should have been made so as to apportion the timber out to all the Indians?—A. Yes, sir; the timber should have been apportioned out in small allotments to each allotment on the prairie.

Q. About how much tillable land is there on these best farms—those that are improved the most?—A. The largest tilled farm among the Indians, I think, is in the neighborhood of forty acres.

Q. Broken and in cultivation?—A. Broken and in cultivation; in crops entirely. Other Indians have larger tracts of land inclosed; some have 50 acres, and some even more. I think there is one Indian who has as high as 75 acres inclosed under fence with a view to cultivating it.

Q. About how many selections by Indians, or allotments to them, lie outside of the limits reserved in the order of President Arthur?—A. I think there are in the neighborhood of 40 or 45.

Q. Are they mostly up the river or down towards Chamberlain?—A. Down the river towards Chamberlain and up on the upper branches of Crow Creek. I will refer to my books and state the exact number (referring to book). There are forty-four 320-acre allotments, and one hundred and twenty-seven 80-acre allotments. I would say that besides those allotments there are several selections made outside of those limits where improvements have been made, but it was a question in my mind whether those would be reserved or not under the order of President Arthur.

Q. What were the facts in relation to these cases? Had the Indians actually gone and settled upon the land, or only indicated a purpose to do so?—A. In some instances they had gone and settled there; in other instances they had indicated they wanted such and such claims when they could be allotted to them.

Q. Had you made a record of it?—A. Yes, sir; I had.

Q. How many cases of that kind were there?—A. I think there were at least a dozen.

Q. The limits of the reservation prescribed in the order of President Arthur turned out the big bend, did it not, to settlement?—A. Yes, sir.

Q. I will ask you, Major, what portion of the reservation, and what amount in acres, in your judgment, is necessary to give allotments to all the Indians, of good arable land, with a sufficient amount of pasture land in order to provide for them as much as they could usefully occupy? In other words, if the reservation could be reduced wisely and



without injury to the Indians, how much and in what part of it could that be done?—A. I think the reservation could be reduced on the line laid down in the Dawes bill, and still leave sufficient land for all the Indians now on the reservation. There are, however, a number of Indians belonging to this tribe now at Standing Rock, and other agencies, who desire to return to this agency, at least I am so informed.

Q. Those are the Indians referred to in the council to-day by some of the chiefs in their addresses?—A. Yes, sir.

Q. Is there a desire among the Indians here to have their brethren return to this agency?—A. Yes, sir; a very great desire; their not being here is the cause of constant traveling backward and forward. These Indians here having relations, brothers, fathers, uncles and aunts at Standing Rock, are constantly wanting to go there, and those Indians are often here. The Indians here claim that their relations at Standing Rock desire to return to this agency. I am told that there are as many as 1,000 there belonging to this tribe. In case they should ever be returned here, as was contemplated by the Government three years ago, then I should not favor reducing the reservation at all.

Q. If that should not be done, you think the limits prescribed in the Dawes bill would leave ample territory to settle, and provide for all the Indians now on the reservation?—A. I do, sir.

Q. Is there any considerable portion of the land that would be reserved under that bill that is unfit for use either for pasture or agriculture?—A. There is, sir, a very considerable portion of it unfit for agriculture, and would be even very poor pasture land. It is full of what is called gumbo in this country. The grass is very thin and usually dies out in the early part of the summer, leaving the land bare and barren. That portion of the reservation is utterly unfit for cultivation.

Q. There have been no allotments or selections made by the Indians outside of the limits of the Dawes bill, have there?—A. Yes, sir; there have.

Q. About how many such are there?—A. Twelve in the Brulé bottom.

Q. That Brulé bottom is down towards Chamberlain?—A. Yes, sir; the allotments were selected in the Brulé bottom by the Indians on account of the timber, water, pasture, and hay. I do not look upon the land as very good for agriculture; it is full of alkali.

Q. Do you believe, major, from what you know of these Indians, that their consent could be obtained to the reduction proposed by the Dawes bill?—A. I believe it could, provided they were offered a suitable price and they were approached in a proper manner.

Q. I believe that the Dawes bill proposes that the lands shall be open only to homestead entry, and that the homesteader shall pay 50 cents per acre for his land?—A. Yes, sir.

Q. How do you think the Indians would regard those terms, whether the money was paid by the settler or the Government at that rate?—A. I am not able to answer. My opinion is they would consider it too small a price.

By Mr. INGALLS:

Q. What is the value of farming lands in the neighborhood of the reservation?—A. Good, arable farming lands in the neighborhood of the reservation are worth, in my judgment, from \$5 to \$10 per acre.

By the CHAIRMAN:

Q. You mean lands accessible to the railroad?—A. Yes, sir; lands not too far removed from the railroad, anywhere from 5 to 7 miles from a railroad.



Q. That price would not apply, would it, to lands that are without water; for instance, such plains as we drove through yesterday, where there is no water for miles?—A. Where water is obtainable it would apply. You can find water by digging wells on most of the farms about the reservation.

Q. They are more favorably located, then, than a good deal of the land we saw yesterday, back from the Big Bend and in that region?—A. That land lies very high. I think it would be very difficult to find water there. I never tried it up there and could not tell, but in my opinion it would be difficult to get water there.

Q. Do these Indians have any treaty annuities coming to them at all?—A. Yes, sir.

Q. To what extent?—A. They receive treaty annuities under the 1876 treaty. They were taken in as part of the Great Sioux Nation on the sale of the Black Hills, and they have their proportion of the proceeds of that sale.

Q. What is the amount of that annuity per capita?—A. They receive a certain amount annually from the proceeds of the sale of the Black Hills, but really I am not informed as to what their proportion is.

Q. What Government help is given to them here?—A. They receive rations of beef, flour, sugar, coffee, baking powder, soap, and salt; they also receive what is termed a sick-ration of tea, rice, and hard bread; they receive annuity goods in the way of clothing for men, women, and children. They also receive agricultural implements, lumber, and building material. There is also a small number of domestic cattle distributed among them from time to time.

Q. For herding purposes or for the plow?—A. For their home use, to be kept by them for milking, increase, &c.

Q. Have they been making good use of such cattle?—A. Yes, sir.

Q. Do they take good care of that stock?—A. For Indians I think they do remarkably well.

Q. Have they ever killed any of such stock to eat?—A. Some few have done so. When an Indian gets a bad heart about something, he is in danger of curing his bad heart by filling his stomach full of beef, and there have been cases where they killed their domestic cattle that had been issued to them. I endeavor to restrain it as much as possible. I punish Indians for doing it by taking their rations away for a length of time, and in other ways. Generally, they have complied with the order not to kill their cattle. They put up hay for their cattle and some of them milk their cows; they build stables and shelter them in the winter; they take care of the young; they work their oxen, and for Indians do remarkably well with stock.

Q. I should infer from what you have said about the value of the Big Bend to the reservation that, in your opinion, the lines prescribed by President Arthur's order, which leaves that out, would work injuriously to the Indians on the reservation?—A. I do, sir; I think it would make it not only injurious to the Indians, but very much so to the Government. It would make it very difficult to hold the beef herd; it would compel us to hold it on the other side of the river, and the Indians would have to cross the river for their beef rations, and it would take at least two days, and perhaps more than that, of every week for them to get it.

Q. Have you any land over on the other side of the river that you could use for that purpose?—A. I have no right over there, and I would not know really how to conduct the agency if that bend was taken away from the reservation.

Q. Will you furnish us a copy of the land certificate you issue to the Indian when he makes his selection?—A. I will. (See appendix, Exhibit E.)

Q. I notice on the face of the certificate you produce the words "treaty of 1868." Do you know how long that form of certificate has been used and issued to these Indians here?—A. By reference to my books I find that the first certificate of that kind was furnished in September, 1881.

Q. Do you know whether that same form of certificate has been used on the west side of the river?—A. Books of like character, with certificates of the same wording, are furnished the Brulé Agency, but the Brulés have refused to avail themselves of the opportunity to take up land.

Q. Do you know whether any of the other agencies on the west side of the river use similar certificates?—A. I am not informed.

Q. You were not here at the time these certificates was first furnished?—A. I was not.

Q. It is true, then, is it not, that all these Indians who have taken certificates of allotments have in their possession a certificate, signed by the agent and approved by the Commissioner of Indian Affairs, which recites upon its face that the allotment is made under the treaty of 1868?—A. It is, sir; in every instance.

Q. These certificates were prepared, bound in a book, at the Interior Department, and forwarded to the agency here to be used?—A. They were so prepared at the Interior Department and furnished this agency, and are carried as part of the property of the agency.

Q. Then it would be true that if this reservation was not embraced within the treaty of 1868 there was no authority of law for the issuing of these certificates?—A. I so understand it. If this reservation was not embraced in the treaty of 1868, then the proclamation of President Arthur would destroy the title not only to that portion of land which it withdrew from the reservation, but would destroy every allotment made, as there was no authority except the treaty of 1868 for issuing said allotments, unless the provisions in the order itself for their protection would effect its purpose without reference to the law or treaty.

Q. Will you please state whether the certificate of allotment is issued before or after you have reported the allotments to the Department at Washington?—A. It is issued afterwards.

Q. Will you be good enough to furnish the stenographer, to be inserted at this point, a copy of the certificate of the agent here, of the indorsement of the Commissioner of Indian Affairs, and of the approval by the Secretary of the Interior, as found upon the paper now shown you, being a schedule of the allotments from No. 144 to No. 239, inclusive?—A. Yes, sir; I will do so. It is as follows:

CERTIFICATE OF INDIAN AGENT.

CROW CREEK AGENCY, DAKOTA, *September 30, 1881.*

I hereby certify that the foregoing schedule of allotments of land were selected, in my presence and with my assistance, by the members of the Yanktonai tribe of Sioux Indians residing upon the Crow Creek Indian Reservation, in Dakota, under official instructions bearing date January 6, 1881, and in pursuance of the provisions of the sixth article of the treaty of April 29, 1868.

WILLIAM E. DOUGHERTY,  
*Captain First Infantry, Acting Indian Agent.*

## INDORSEMENT OF COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., January 9, 1882.

The foregoing schedules, comprising a list of the selections of land from No. 144 to 239, both inclusive, made by the members of the Yanktonai tribe of Sioux Indians residing at the Crow Creek Indian Reservation in Dakota Territory, assisted by Acting Agent Dougherty, under instructions from this office, bearing date June 12, 1880. is respectfully submitted with the recommendation that the same be approved and that authority be given to issue certificates to each allottee for the lands selected by him or her, respectively, as provided in the sixth article of the treaty of April 29, 1868 (15 Stats., 635).

H. PRICE,  
Commissioner.

## APPROVAL OF SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., January 17, 1882.

The foregoing schedule of selections, from No. 144 to 239, both inclusive, is hereby approved, and the Commissioner of Indian Affairs will cause a certificate to be issued to each allottee for the lands selected by him or her, respectively, as provided in the sixth article of the treaty of April 29, 1868.

S. J. KIRKWOOD,  
Secretary.

Q. This paper, which you have read, is the original paper, is it not, returned to this agency from the Interior Department with the signatures of the Commissioner and Secretary attached?—A. It is.

Q. And, in pursuance of the approval of the Secretary, certificates of allotments were issued?—A. Yes, sir.

Q. After receiving the approval of the Secretary, upon this report of allotments, certificates are issued, signed by the agent, and sent to Washington for the approval of the Commissioner?—A. Yes, sir.

Q. They are then returned to this agency?—A. Yes, sir; and issued to the Indians.

Q. Then is there a record made upon another of your office books entitled "Issue Tract Book, treaty April 29, 1868, Crow Creek Agency"?—A. Yes, sir; there is.

Q. By whom is this book, thus indorsed, furnished to you?—A. It is furnished by the Interior Department, at Washington, and is the property of the agency.

Q. Please state the headings of the pages in that book.—A. "Sioux Indian allotments, treaty April 29, 1868, U. S. Stats., vol. 15, p. 635."

Q. I notice in the certificate of Captain Dougherty, the acting agent, that he refers to office instructions bearing date January 6, 1881. Will you please furnish a copy of those instructions, if they are on the files of your office?—A. They are on the files, and I will furnish them to you. [See Appendix, Exhibit F.]

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*Testimony of A. W. Dale.*

A. W. DALE sworn and examined.

By the CHAIRMAN:

Question. You are the clerk under Major Gasman, the Indian agent here?—Answer. Yes, sir.

Q. How long have you been employed here in that capacity?—A. Since July 1, 1883.

Q. You came here with Major Gasmann, did you?—A. Yes, sir; I came here from Brulé. I was employed at Brulé from June 7, the day he took charge, until July 1; then came to Crow Creek.

Q. Will you be good enough to state what you know about the date when any of the settlers came in upon the reservation, and when it was in reference to the time of the issuing of President Arthur's proclamation?—A. I was sent to Chamberlain on the morning of the 27th of February on duty connected with the agency, and when I reached what is called the new town site north of Chamberlain on the reservation—right opposite Chamberlain across American Creek—I found a number of persons, many of them residents of Chamberlain, building on the reservation.

Q. What time in the morning of the 27th was that?—A. As nearly as I can remember it was between one and two o'clock in the afternoon of the 27th that I reached Chamberlain.

By Mr. INGALLS:

Q. Do you remember the names of any of the persons whom you saw building there?—A. Not that I actually saw working there; I saw a great many of the citizens of Chamberlain there that I could name.

By the CHAIRMAN:

Q. But whether they were engaged in putting up houses or not, you could not say?—A. No, sir.

Q. Who were some of the persons you saw there?—A. Dr. Henry, Dr. Tuttle; and Mr. Overacker was there also, hauling lumber.

Q. What number of persons were out there on the reservation?—A. I saw not less than twenty-five.

Q. What progress had they made in the work of putting up houses?—A. A great many of them had the foundation and joists in and had it covered with boards for flooring; it was not perhaps floor lumber, but it was covered with boards; others were fixing the joists ready to put the flooring on.

By Mr. INGALLS:

Q. Were those building of the variety known as "shacks"?—A. What is ordinarily termed a shack; yes, sir.

Q. How do you fix this date?—A. By knowing the date I returned to the agency, which was on Saturday, the 28th day of February.

By the CHAIRMAN:

Q. You had not heard of President Arthur's proclamation at that time, had you?—A. Simply rumors.

Q. When you went into Chamberlain that day was it rumored then that such a proclamation had been issued or would be issued?—A. That it would be issued that day.

Q. From whom did you learn that such a proclamation was to be issued that day?—A. A great many spoke to me about the proclamation, but I do not know that I could mention any person in particular.

Q. Was it any of the persons you saw down there on the reservation?—A. No, sir; I did not speak to any of the persons I have mentioned that day. I remained at Chamberlain over night and—

Q. (Interrupting.) When you came back to the agency were they still going on with the work of building?—A. Yes, sir; not only at the town site north of Chamberlain, but I saw parties working out on what is termed the new town site.

Q. Did you hear in Chamberlain, the evening of the 27th, or before

you left on the morning of the 28th, that this proclamation of President Arthur had been issued?—A. No, sir.

Q. State if you made any report to Major Gasmann, the agent, when you returned to the agency.—A. I did. I notified him that settlers were on the reservation.

Q. And how soon after that was it that he issued this second notice he has referred to in his testimony?—A. I gave Major Gasmann notice on Saturday, and the second notice was issued on Monday following, March 2.

Q. You may state if you were informed by any one in Chamberlain as to when these persons you saw there on the afternoon of the 27th of February went in upon the reservation.—A. I was told by Mr. Lewis, that a number of them, including the gentlemen I have mentioned as having seen on the reservation, started with lumber and material the night of the 26th of February, at about eleven or twelve o'clock, for the reservation.

Q. State whether or not you saw, that afternoon of the 27th at Chamberlain, any plat of the new town of Chamberlain across the creek on the reservation.—A. I did; I went into Green's hardware store and saw a map there. I inquired what the map was and was told that it was a map of the new additional town site north of American Creek on the reservation.

Q. How was that plat prepared? Was it lithographed?—A. No, sir; it was on a piece of ordinary brown wrapping paper. It was marked out, so I was informed, in two-acre lots with a number of the names of persons owning the different blocks.

Q. How soon after you arrived at Chamberlain did you see that plat?—A. Before I went to supper. I went to supper at 6 o'clock.

Q. Had they named the streets in the new town?—A. No, sir.

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CHAMBERLAIN, DAK.,  
July 20, 1885.

The committee met at the Opera House in Chamberlain, Dak., on July 20, 1885, at 10 o'clock a. m., a large number of settlers being present, and the following proceedings were had.

Senator HARRISON addressed the meeting as follows:

The committee is now ready to proceed with the inquiry; and, in order to correct or prevent any misunderstanding, I will make a brief statement of the purpose of the committee in visiting the Crow Creek Reservation. The Committee of Indian Affairs of the Senate was, at the last session, directed by resolution to inquire into the leasing of Indian lands by the cattlemen, especially in the Indian Territory and the Crow Reservation in Montana. Two subcommittees were constituted, and one of the committees has already visited the Indian Territory. This committee, now present, is charged with the duty of completing that inquiry by visiting the Crow Reservation in Montana. An additional resolution was also passed by the Senate, directing the committee to make such inquiry as they thought advisable, looking to a modification of the lines of any existing Indian reservation, but no action was taken, or resolution passed, that had any special reference to this reservation, the resolutions being passed before any trouble originated here at all. I say this in order that you may understand that the Senate has not taken any special action in relation to the difficulties which exist here.



So if any have an impression that the Senate has expressed itself on the subject it is a mistake; no expression has been given whatever. The committee came here because the question of the reduction of the bounds of this reservation was forced to our attention by the proclamation of President Cleveland, and we are here simply for the purpose of getting information. We are not here to give advice or express opinions, and any opinions we might express would be the individual opinions of the Senator expressing them. We constitute in number but one-third of the full committee to whom our report must first be made, and are, of course, but a small fraction of the Senate, which must take official action upon our report. Therefore I say, we have given no opinion, either as individuals or as a committee, and do not intend to, and any representations that may be made by unauthorized persons, through the newspapers or otherwise, that the committee is certain to make this or that sort of a report, is unjust to the committee and misleading to you. We are here simply to arrive at the facts. We have no criticisms to make upon the executive action of either President Arthur or President Cleveland. We are not here to interfere in any way with the free exercise of the legitimate power of the Executive, but as a subcommittee of the legislative branch of the Government we are seeking information in order that if any question of legislation shall come before the body of which we are members, we shall be able to furnish the necessary information upon which to base just legislation. I will say further that it will be impossible for us to examine all the settlers present. If legislation should at any time take such form as to make it necessary to appraise the value of the expenditure, time, and other losses of the settlers upon the reservation it must be done by a commission that will have more time to spend in your midst than this committee has. We are here only to take sample cases and get such information as will be valuable to the Senate. We will call and examine such persons as may be suggested to us by the committee of settlers, and then, perhaps, the committee will call other persons of its own motion. All of the evidence taken, with other facts which have been called to our attention while in your Territory, will be reported to the Senate at the opening of Congress.

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*Testimony of W. A. Scott.*

W. A. SCOTT sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Pukwana, Brulé County, Dakota.

Q. How far east of here?—A. Ten miles east of here.

Q. On the railroad?—A. Yes, sir.

Q. How long have you lived there?—A. I have lived at that place two years.

Q. How long have you lived in Dakota?—A. Three years and a half.

Q. What has been your business?—A. For the past two years I have published a newspaper.

Q. At what point?—A. Pukwana.

Q. What is the name of your paper?—A. Pukwana Press.

Q. State whether you were the enumerator for Brulé County under

the statute of this Territory directing an enumeration of its inhabitants to be made?—A. I was.

Q. Did you also take an enumeration of the white settlers in that part of Brulé County lying within the Crow Creek Reservation?—A. I did not take the whole of Brulé County lying within the reservation, but I took part of it.

Q. Did you have an assistant?—A. No, sir; it was not all included in my district.

Q. Did not your district embrace the whole of Brulé County lying within the Crow Creek Reservation?—A. It did not quite.

Q. Then some other enumerator has part of Brulé County lying within the Crow Creek Reservation?—A. Yes, sir; his name is Welsh, I believe.

Q. Is he here?—A. I think he is.

Q. State what part of the reservation was embraced in your district.—A. It embraced township 105, range 69; township 105, range 70; the north half of township 104, range 69, and the north half of township 104, range 70.

Q. That was three townships?—A. Yes, sir.

Q. In what part of the reservation do they lie, for I do not recognize them by numbers? Are they adjacent to the town of Chamberlain?—A. The description I have here lies adjacent to Pukwana and in the southeast part of the reservation.

Q. Then your district did not embrace that part of the reservation lying right across American Creek from Chamberlain?—A. No, sir; not immediately north of Chamberlain.

Q. When did you take that census?—A. In that Territory between the 4th and 12th of June, 1885.

Q. How did you take it? By an actual personal count of the persons on the reservation?—A. Yes, sir; I rode over my district and called at each house where there was a family living.

Q. Do you mean to say that you saw every person you returned?—A. Yes, sir; that is what I endeavored to do.

Q. Well, did you do it?—A. Yes, sir; I think so.

Q. Will you be good enough to tell the committee how many white persons you found in those three townships you have mentioned?—A. I found in those three townships 330 persons.

Q. How many families?—A. I am not prepared to say exactly the number of families.

Q. You made a return of the number of families, did you not?—A. Yes, sir.

Q. That was one of the items on your schedule?—A. Yes, sir.

Q. Then can you not give that item to me?—A. I have sent my schedule in and I did not preserve a full memorandum of that.

Q. Approximate it as nearly as you can from memory. We will have an abstract from Mr. Fiske.—A. I think I found as many as 125 families.

Q. Did you return the number of farms?—A. Yes, sir; such farms as were improved.

Q. What amount of improvements did you require in order to make returns of it as a farm?—A. If a claim had a house on it and a family was living there and some of the land broken and under cultivation I called that a farm.

Q. How many such farms did you return?—A. There must have been about as many as there were families living there.

Q. When you say a house, of course you include in that what is commonly called a shack?—A. Yes, sir; although they were not all shacks.

Q. You say they were not all shacks. Were the majority of them what you would call shacks in this country?—A. The majority of them were small houses costing probably from \$40 to \$100.

Q. What were their size?—A. They varied in size from an 8 by 10 shack to a 16 by 24 house.

Q. How many such houses as you mention last were in your district?—A. I found about eight of those larger houses.

Q. What was the average amount of breaking that you found?—A. It would be difficult to say just what it would average; but I would not be far wrong, I think, to say that it averaged five acres on each claim.

Q. How many deserted shacks or improvements did you find when the settlers had left?—A. I found a pretty large number.

Q. Can you tell about how many?—A. I probably found between thirty and thirty-five vacant at the time I went there.

Q. Do you mean to say that at the time you went there you found all of these 125 families, that is, some persons actually present in the shacks?—A. Yes, sir; that is what I mean.

Q. Was any work going on upon the reservation at the time you went there?—A. Some were doing farm work. Those who were able or prepared to, as a general thing, were at work on their farms.

Q. Did you take a claim there yourself?—A. I did not.

Q. You think, then, that out of about 125 improvements in those three townships that not more than 30 of them were deserted at the time you were there?—A. I think not.

Q. Have you been over that Territory since?—A. Not very thoroughly; I have driven over portions of it since.

Q. Do you know whether any of those that had left these improvements have gone back to them?—A. To my personal knowledge some few have gone back.

Q. Of those one hundred and twenty-five improvements you have mentioned, how many of those improvements were occupied by single men and how many by families?—A. There were more families than single men.

Q. More than half of them?—A. Yes, sir.

Q. Did you know many of those persons?—A. Yes, sir; I was personally acquainted with a good many of them.

Q. Where had they previously resided?—A. That could hardly be answered in words.

Q. I mean had many of them previously lived in this country. I suppose all of those you knew had previously lived here?—A. Yes, sir; for the past few months and weeks at least.

Q. They had been here in the county, some for a longer and some for a shorter time?—A. Yes, sir; some of them only a few weeks.

Q. Were any of those persons from the town of Chamberlain?—A. There were very few from the town of Chamberlain in that region; there were more from Pukwana.

Q. What had been the occupation and business of those who went there from Pukwana?—A. In a majority of cases they had been working at Pukwana at whatever they could find to do and waiting to get land.

Q. They were persons who were there waiting to get land?—A. Yes, sir; the most of them.

Q. How was it as to the others; were they business men or professional men?—A. Well, there were a few cases where the claimants were men who had been in business in town.

*Testimony of A. C. Welsh.*

A. C. WELSH sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. At Chamberlain, Dak.

Q. What is your business ?—A. I am a carpenter by trade.

Q. How long have you lived at Chamberlain ?—A. Four years, or about that.

Q. Have you a claim upon the reservation ?—A. No, sir; I have not.

Q. Were you one of the enumerators under Mr. Fiske ?—A. I was.

Q. What part of this territory was embraced in your district for enumeration ?—A. West of range 70 and running south until the last township.

Q. That embraced about how many townships ?—A. About four—fractions of four.

By Mr. INGALLS :

Q. We do not know this country by numbers. Please state how it lies in reference to Chamberlain ?—A. My territory was in fractions along the river; I had township 105, what there is of it north of Chamberlain, and township 104 that runs about 2 miles north from here.

Q. All lying north of Chamberlain ?—A. Not all of that. About 2 miles of township 104 lies north of Chamberlain and the rest south.

By the CHAIRMAN :

Q. The region just across American Creek from the town of Chamberlain was embraced in your district was it, not ?—A. Yes, sir.

Q. It included this new town site ?—A. Yes, sir.

By Mr. JONES :

Q. You only had townships 104 and 105 ?—A. I had townships 102, 103, 104, and 105.

Q. I mean in the reservation only ?—A. Township 105 and part of 104 were in the reservation.

By the CHAIRMAN :

Q. That was all you had inside of the reservation ?—A. Yes, sir.

Q. You took an enumeration of the white inhabitants in those townships in the reservation ?—A. I did, all I found there.

Q. What course did you pursue. Did you count any one you did not actually see ?—A. I did; those that I knew were holding claims there. I asked them if they were living there, and they said they were.

Q. Where did you see them when you asked them that ?—A. People I was acquainted with here in the village.

Q. You asked those you knew here in the village if they were holding claims there, and if they said yes you put them down in the enumeration ?—A. Yes, sir.

Q. Did you go to their claims ?—A. I did; I went to everything on my territory.

Q. When you did not find a person on his claim, if you saw him in the town of Chamberlain, you asked him if he was holding his claim, and if he replied in the affirmative you enumerated him as belonging to the reservation, did you ?—A. I did not enumerate him as belonging there. I could not do that; but I got a letter from the supervisor directing me to keep a memorandum of those that had claims on the reservation, and I did so.

Q. In other words, you simply returned your enumerations of your

district and did not distinguish between the reservation and other parts of your territory?—A. I marked it so Mr. Fiske would know.

Q. Would that or not make a part of your official return?—A. On my enumeration I marked those persons living north of American Creek on the reservations.

Q. Then you did make an official return and included these persons in your enumerations?—A. My orders were to commence in the northeast corner of my district, and I did so. When I got down on the other side of the creek I marked it as being in the reservation, and when I came on this side of the creek to work when I found a man who said he had an old claim on the reservation I put him down as having an old claim there on my book, but not on the enumeration.

Q. So I understand you that on the enumeration you did not distinguish those who were residing in the reservation from those living elsewhere, or did you put down on your returns those whom you actually found on the reservation residing there and those you met in Chamberlain who said they had old claims there?—A. They knew nothing about those I met in Chamberlain. I got one hundred names, perhaps, on the north side of the creek, and at the end of those names I marked them as being in the reservation. Then I came across the creek and commenced in Chamberlain, and anything that would be marked after that they do not know anything about. For instance, if I found a gentleman in Chamberlain who said he had a claim I marked it so that if called on I would know it.

Q. Would you mark him as having a claim or residing on the reservation?—A. That he was holding a claim. I simply took his name, that was all, and wrote over the head of the page such a man holds a claim.

Q. How many persons did you actually find residing in your district within the Crow Creek Reservation?—A. One hundred and sixty-one.

Q. How many of them were within the limits of the town site here?—A. All but 5. No, I will correct that. I found a lady at home and there were 5 in the family.

Q. You mean you found this lady and her family, consisting of 5 persons, outside of the new town site?—A. Yes, sir.

Q. So you found but one family in your district within the reservation outside of the town site?—A. (Referring to books.) I found 182 people in the reservation, and according to my books 150 of those were in the new town site.

Q. Where were the other 32 located?—A. They were living on claims.

Q. I think you said a moment ago that you only found one family on the reservation outside of the new town site?—A. The first day out I found them; then I came into this new town site, and part of these 32 were living there and part I met in town.

Q. How many did you meet in town?—A. I do not think I could tell that exactly.

Q. Do you recollect of any other cases than the one you have given me of the family of 5 that you saw on the reservation?—A. Yes, sir; I found Mr. Pritchard with a family of 4.

Q. That would be another family with 4 in the family, making 9 in all. Is that all you recollect?—A. No, sir; there were others. I could not tell positively how many, but there was Mr. Sears, with 2 in his family; Mr. Anderson with 2, and Mr. Phelps with 4.

Q. Is that all you recollect?—A. Mr. Lockwood with 5—4 of his own family and a servant. That is all I recollect of now.

Q. Do you mean to say that you found all those persons on the res-



ervation?—A. They were living there. Mr. Lockwood's family was living there. I talked with him in his office here, but his family was living on the reservation and he went there nights. I called at his house, but the family were away; then when I came to town I called on him at his office.

Q. You did not find his family there?—A. His family were in town at the time I called, but I met them going out as I came into town. I saw the girl at the claim.

Q. You saw Mr. Lockwood at his office here?—A. Yes, sir.

Q. What is his business?—A. Buying grain; a grain-dealer.

Q. Has he a house in town also?—A. No, sir; he has no house here now. He had kept house here before he went into the reservation, but at that time I did not know of his living any place except on the reservation.

Q. Did he have a house here?—A. No, sir; I think not.

Q. How was it with Mr. Phelps? Did you find him living on the reservation?—A. Yes, sir; he was living there.

Q. What had been his previous business?—A. A laborer, I think.

Q. In Chamberlain?—A. Yes, sir.

Q. How about Mr. Anderson?—A. He was a blacksmith.

Q. Did you find him on the reservation?—A. I found his wife there.

Q. Was he working in town?—A. Yes, sir.

Q. Did he have a shop here?—A. Yes, sir.

Q. How far was his claim from his shop?—A. I would guess about 2 miles. I could not say exactly; it may be nearer than that.

Q. How about Mr. Sears?—A. Mr. Sears lived on the next claim east; that would be half a mile farther away.

Q. Did you find him on the reservation?—A. Yes, sir.

Q. Where had he previously lived?—A. In Chamberlain.

Q. What was his business here?—A. I do not know as he did any business.

Q. He was not engaged in any business?—A. Not that I know of. He did have stock here at one time.

Q. Well, how about the other persons you included in the 32?—A. Mr. Pritchard was living about a mile and a half or two miles up northeast.

Q. Did you find him on the reservation?—A. I did.

Q. Where had he previously lived?—A. In the village.

Q. What had been his business?—A. I could not say.

Q. You don't know?—A. I do not know; no, sir.

Q. How long had you known him?—A. I had known him by sight perhaps a year or a year and a half.

Q. You did not know what his business was?—A. No, sir; I did not.

Q. Well, any others?—A. There was this family of five I have mentioned named Sibley.

Q. What had been his business?—A. I think he was a carpenter here in town before he went down there. I found his wife on the claim and he and his boys were carrying on some farming this side.

Q. So he was there on the reservation?—A. He was when at home; he and his boys would go away from there Monday morning and "batch" it until the end of the week, and then go home again.

Q. They kept bachelors' hall here in town, did they?—A. No, sir; on his farm; he was carrying on a farm this side of there.

Q. What time do you say he spent on his claim?—A. I could not say any more than his wife said he came home Saturday nights.

Q. He was working off somewhere else during the week?—A. Yes, sir.

Q. That, I believe, finishes the list you have named. You found some persons here at Chamberlain who simply said they had claims that you did not find on the reservation?—A. Yes, sir.

Q. How many were there of those?—A. I could not tell; I have 182 names, and 32 of them were outside of the new town site, and a part of that 32 I actually found on the reservation and a part I took their names here in town.

Q. I think you have given here in your list 22 of those you found on the reservation?—A. I do not really understand whether I ought to have taken those I found off or not.

Q. How many deserted improvements did you find upon the reservation; that is, where the persons had moved off?—A. I could not say that any of them had moved off.

Q. How many claims were there where improvements had been commenced on which you did not find anybody or get any information that induced you to enumerate anybody as living there?—A. There were about 36 such cases. In some of those I could look into the window of their shacks and see their things; in others I could not. I would not say whether they had moved off or not.

Q. But you could get no trace of them either on the reservation or in Chamberlain, and did not include them in your enumeration?—A. No, sir; I worked the first day before I got any instructions to take the names of parties over there, but I took the numbers of the houses I called at the first day, just to satisfy myself, and at night when I came home I found a letter directing me to keep the names—

Q. (Interrupting.) Then you used the information you got the first day and went on?—A. I had only found one family and took their names, and then the numbers of the houses. When I would come to a house or two or three right together that were deserted, I would put one, two, or three marks in my book, as the case might be, so I would have an idea of how many there were.

Q. The 150 persons you found on this new town-site across the creek, you find them all living there?—A. Yes, sir; that was after I got the letter directing me to keep the names.

Q. Did any persons have improvements or inclosures there that were not living on the new town site?—A. Outside of the limits do you mean?

Q. No; I mean any persons who had lived in the town site?—A. I do not remember of any now.

Q. Do you know when that town site was laid out and who laid it out, if anybody?—A. I could not give the date without reference to something. I might possibly have some way of getting at the date. It was in the spring of 1885. It was laid out by B. B. Coburn.

Q. Where does he reside?—A. In Chamberlain.

Q. What is his business?—A. Surveyor.

Q. You mean he surveyed it. You do not mean he laid it out for himself?—A. He was employed by other people, as I understand it. I could not say who.

Q. What was the character of the improvements you found in your district in the reservation outside of the new town site?—A. The majority of the houses were shanties.

Q. What is generally called shacks here?—A. I expect so. There were some very good houses.

Q. Speak first of the majority you have described as shanties. What were their size and cost?—A. I found quite a number that were about

10 by 12 and others as large as 12 by 16, I should think. I did not measure any of them; took very little notice of them, in fact.

Q. What would it cost to erect these smaller ones?—A. It would simply be a guess with me.

By Mr. INGALLS:

Q. You are a carpenter?—A. Yes, sir.

Q. And have been accustomed to building?—A. Not very much, that class of houses.

Q. Where have you worked at your trade?—A. This summer in this town.

Q. Taking into consideration the fact that you are a carpenter and accustomed to building, can you not give us an idea of what would be the cost of erecting those structures?—A. Yes, sir; I can give you an idea. I found houses there that I presume had about 500 feet of lumber in them, but I do not know the cost of lumber at that time; I know it was high but did not buy any.

Q. Was there that amount of lumber in those 10 by 12 shacks?—A. Yes, sir.

Q. Five hundred feet?—A. I did not measure a house and could not say. I should say the smaller ones took in the neighborhood of 500 feet.

Q. That would be rough lumber?—A. No, sir; mostly dressed lumber. I do not remember of seeing any undressed lumber.

Q. You say you are not able to give any estimate of the cost of such a structure as you have described?—A. If I knew just how big it was I could.

Q. You have given an estimate of how much lumber it would take; you are a carpenter and ought to be able to give us some information as to what the cost of such a structure would be?—A. At that time they were paying carpenters as high as \$5 per day. I worked half a day for \$5; that would be \$10 per day. Hauling was also very high; I was offered \$5 to haul a load of lumber a little ways with my team. I do not know how far; the man said 3 or 4 miles.

Q. Taking all those things into consideration, what in your judgment would be the cost of such a structure as you have described?—A. I would presume that such houses as were in the north end of my territory would cost \$25 or \$30, and nearer town less. I also saw one or two houses on the reservation which, I think, taking everything as high as it was at that time, cost perhaps \$150 or \$200.

Q. How was it as to breaking? What was the average amount of breaking on those claims?—A. I found some farms with 5 acres broke and some with only 1 acre.

Q. Five acres of breaking was about the highest, and it ran down to 1?—A. I saw farms outside of my territory. My district was nearly all in the bluffs and was not a farming country. I had west of range 70, and all of this country up here was either in the bluffs or down in the Brulé Bottom.

Q. Now as to the character of the improvements in the town site over here, what were they?—A. There were a great many houses about 16 by 20, one story, 8 or 9 feet high, good frame, made with good lumber and clapboarded outside. There were as many different kinds as there were houses; they were not all alike.

Q. You have described the best of them I suppose?—A. No, sir; I have not.

Q. You have given then the average of what they were?—A. I do

not know as that would be the average; there were probably more better than that than poorer.

Q. How many houses were there on that town site?—A. I could not tell.

Q. You say there were 150 persons there; can you not tell about how many families there were?—A. (Referring to book.) I count 39 in my book; there are one or two others mixed in with other names. I should say there was over forty families there.

Q. How many have you on your book?—A. Thirty-nine in rotation.

Q. Did you have any claim yourself?—A. Not in the reservation.

Q. Did you in the town site?—A. No, sir.

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*Testimony of W. A. Scott.*

W. A. SCOTT recalled.

I was asked in my examination where those people came from that I found over on the reservation. I said a few were from Chamberlain, and several from Pukwana or something to that effect, but I did not state fully where the rest of them were from, which I intended to do before I got through, although I do not know where they were all from. I will state that a great many of them were from different States; that is, they were not residents here prior to going upon the reservation.

By the CHAIRMAN:

Q. Name some of those that came from other States?—A. Mr. Mack came from Iowa.

Q. How long had he been here?—A. He came from Iowa in March, 1885, I think.

Q. Did he come to Chamberlain?—A. No, sir; he came to Pukwana.

Q. What was he doing at Pukwana?—A. I mean he came to Pukwana. He did not stop there at all, but went right into the reservation. He came here for that purpose.

Q. Well, can you recollect any others?—A. Mr. Lockwood came from another State; I do not remember now from what State he came.

Q. But you saw him on the reservation?—A. Yes, sir.

Q. Do you know whether he had resided here before going on the reservation, or whether he came here and went directly into it?—A. He came directly and went onto the reservation, and Mr. Warner also.

Q. Where did he come from?—A. Iowa, I believe.

Q. Did he come like the other gentleman from Iowa and go directly onto the reservation?—A. I do not know when he came; I do not remember as to that.

Q. You only know he was originally from Iowa?—A. Yes, sir.

Q. Well, any others?—A. Mr. Leach came from some other State.

Q. Do you know from what State?—A. I think, Iowa.

Q. Did he go directly onto the reservation?—A. Yes, sir.

Q. He came for that purpose, moved right out onto the reservation and took his claim?—A. Yes, sir.

Q. Were there any others?—A. There were a good many I could name if I had plenty of time to think.

Q. Those are all you now recollect of?—A. Yes, sir; there were quite a number that came from different parts of Dakota outside of this county.

*Testimony of Washington Benedict.*

WASHINGTON BENEDICT sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. On the reservation.

Q. How far from Chamberlain?—A. About 16 miles.

Q. In what township?—A. One hundred and six.

Q. What range?—A. Seventy.

Q. How long have you been living on the reservation?—A. I came on the 6th of March and located my claim, then went for my family, and think I arrived with them about the 15th.

Q. You came the 6th of March from where?—A. From Bonhomme County, in this Territory.

Q. How far is that from here?—A. From 110 to 120 miles; somewhere there.

Q. You came, located your claim, went back, got your family, and went onto your claim?—A. Yes, sir; I located the claim the 6th of March and went onto it with my family about two weeks afterwards.

Q. Did you have any land where you came from?—A. No, sir.

Q. You had not taken a homestead or pre-emption claim before?—A. No, sir.

Q. What family have you?—A. A wife and three children.

Q. You took them with you upon the reservation?—A. One of them. All but the youngest of my family is of age, and she is married. My youngest son, however, is with me and he has a claim.

Q. He took a claim also?—A. Yes, sir.

Q. Adjoining yours?—A. Yes, sir.

Q. What improvements did you make there?—A. I built a house about 12 by 16, one story high.

Q. How was it; on what they call the shack order, or was it a regular frame?—A. No, sir; it was more upon the shack order. I should have built better before this time if things had been in better shape.

Q. About what was the cost of your house?—A. Probably \$30 or \$35.

Q. Did your son make a similar improvement?—A. Yes, sir.

Q. Of about the same value?—A. Yes, sir; then I have built a stable rather better than my house.

Q. About what was the size and cost of that?—A. Twelve by fifteen, of dressed lumber, tolerably rough.

Q. When did you build your stable?—A. I commenced the week after I got there.

Q. Did you do any breaking?—A. Yes, sir.

Q. How much?—A. I have got about 15 acres broken.

Q. Did your son do any breaking?—A. Yes, sir.

Q. How much?—A. He did about an acre. After President Cleveland's proclamation he did not feel inclined to go on.

Q. Did you go on?—A. I have done but very little since.

Q. What have you done since?—A. I planted my breaking in corn, beans, and potatoes.

Q. Have you been continuously on the reservation since the time of your going there?—A. Yes, sir; continuously.

Q. That has been your only home?—A. Yes, sir.

By Mr. JONES:

Q. What size is the house you say cost you \$35?—A. 12 by 16.

Q. Is it what you ordinarily call a shack?—A. It has a flat roof, boarded rough, and a good lumber floor.



Q. What did your stable cost you?—A. The lumber cost in the neighborhood of \$25, to say nothing about the hauling and building.

Q. What was the balance of the cost of the stable besides the lumber?—A. I never figured on it. I built it myself with the help of the neighbors.

Q. You have some idea of its value, I suppose?—A. I could soon tell by stopping to think a little.

Q. What section do you live on?—A. Section 26, township 106.

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*Testimony of Hermann Brumley.*

HERMANN BRUMLEY sworn and examined.

By the CHAIRMAN:

Question. Have you a claim upon this reservation?—Answer. Yes, sir.

Q. When did you go upon it?—A. March 2d.

Q. Where had you previously lived?—A. I was six months in Pukwana.

Q. Where had you resided previous to that?—A. I lived a year at Mandan.

Q. What business were you engaged in at Pukwana?—A. Blacksmithing.

Q. Did you have a shop there?—A. Yes, sir.

Q. When you went into the reservation did you give it up, or continue it?—A. Gave it up.

Q. Did you sell it out?—A. Yes, sir.

Q. Before you went into the reservation?—A. Yes, sir.

Q. Have you a family?—A. Yes, sir.

Q. Did you take them out upon the reservation with you?—A. I did.

Q. What sort of improvements did you make on your claim?—A. I built me a shanty house.

Q. What is commonly called in this country a shack?—A. Mine was a little larger than a shack I guess.

Q. What was the size of yours?—A. 16 by 18.

Q. What did it cost you to build your house?—A. About \$60, I think.

Q. What did the lumber cost you?—A. I think I paid \$42 for the lumber.

Q. And the balance was for the work of putting it up?—A. Yes; and hardware, sash, &c.

Q. Did you make any other improvement?—A. I have a stable 12 by 20, worth about \$40.

Q. What is it built of?—A. Boards, joist, and scantling.

Q. Any other improvement?—A. I did 55 acres of breaking.

Q. When did you do that breaking?—A. In April, May, and June.

Q. How much of it was done after President Cleveland's proclamation?—A. There may have been 10 acres of it.

Q. Broken after that time?—A. Yes, sir.

Q. Was your house and stable built before or after that time?—A. My house I built on the 2d and 3d of March, the stable a little after that.

Q. They were both built before President Cleveland's proclamation?—A. Yes, sir.

Q. Did you put in any crop?—A. I have 35 acres of corn and 20 acres of flax.

Q. Have you remained continuously on the reservation?—A. I have.

Q. What does breaking cost per acre?—A. I believe the average price is about \$3 or \$3.50.

Q. Did you have your breaking done or do it yourself?—A. I did it myself. I also have a well that cost about \$70.

Q. Did you have to go pretty deep for water?—A. I went 78 feet.

By Mr. JONES:

Q. When was that well dug?—A. I think about the middle of March.

Q. What time did you move your family on the claim?—A. About the 7th of March.

Q. When did you build your house?—A. The 2d and 3d of March.

Q. Before you moved your family?—A. Yes, sir.

Q. When did you do your breaking?—A. I did most of it in April and May and some in June.

Q. How much of it do you think you did in June?—A. I think in the neighborhood of 10 acres.

Q. How much in May?—A. Oh, probably 15 or 18 acres.

Q. How much in April, after the 17th?—A. I do not think I broke any in April after the 17th.

Q. Are there many persons in your immediate neighborhood occupying claims?—A. Well, I don't know of a claim in my immediate neighborhood but what is occupied.

Q. I mean, are persons who took up claims around you still on their claims?—A. A number of them; yes, sir.

Q. What is the character of the improvements on the claims near you—those you know of personally?—A. Some of them have small shacks and a little breaking; others have better shacks and considerable breaking. Some have considerable crops in.

Q. Are there any better improvements than yours in your neighborhood?—A. I do not know that I know of any better.

Q. Are there others as good?—A. I think there is one cornering with mine about as good.

Q. How many not so good?—A. Several of them not so good.

Q. About what number of claims were taken up in your neighborhood? Were there quite a number or only three or four?—A. The land was all taken up.

Q. What section, township, and range is your claim on?—A. The southeast quarter of section 2, township 104, range 70.

Q. How much breaking was done as a general rule in your neighborhood? Did many persons have as much or more than you did?—A. I do not think they had as much as a rule.

Q. Did any have more than you?—A. I do not think they had.

Q. Did any have as much as you?—A. One or two might have had as much.

Q. What is the average amount of breaking in your vicinity?—A. In what scope of country?

Q. In your neighborhood where you are personally acquainted?—A. I think ten acres would be the average in my neighborhood.

Q. According to your observation and belief, did those people go there for the purpose of making homes in good faith, intending to live there?—A. I think they did so far as I am acquainted with them; that would be my judgment.

By the CHAIRMAN:

Q: What was the general character of the persons that took out claims around you? Were they merchants or professional men or generally aborigines? Did any of them come from the towns around here?—A. The majority of them were men of family.

Q. Did any of them come from Chamberlain or neighborhood?—A. No, sir.

Q. Did any of them come from the other towns above here?—A. I think one man came from Pukwana.

Q. What was his business?—A. Dry goods.

Q. Did he give up that business when he went into the reservation?—A. No, sir.

Q. Has he been spending his time on his claim or in town?—A. He has spent considerable time and labor on his claim.

Q. He goes and comes?—A. Yes, sir.

Q. Did he have a house in Pukwana?—A. Yes, sir.

Q. Did he keep that house?—Yes, sir.

Q. Do you know of any person on that reservation that went there representing any body else and took out a claim fraudulently?—A. No, sir; I never heard of a case.

### *Testimony of John Callanan.*

JOHN CALLANAN sworn and examined.

By the CHAIRMAN:

Question. Have you a claim on the reservation?—Answer. Yes, sir.

Q. Where is it?—A. It is the southeast of section 30, township 105, range 70.

Q. When did you go for that claim?—A. The 27th day of February.

Q. What time in the day?—A. In the afternoon or evening.

Q. About what time in the afternoon?—A. The sun was about an hour high, or such a matter.

Q. Where had you been living previous to that time?—A. I was stopping here in Chamberlain, calculating to go on the reservation when it opened. I came here for that purpose.

Q. Where had you previously lived?—A. I came here about a year before.

Q. What business were you engaged in here?—A. Farming, or not doing anything much. I was working around waiting. I expected that this Sioux Reservation across the river would be opened when I came here, and I was waiting for it.

Q. Had you taken any homestead, pre-emption or true claim before this?—A. No, sir; this was the first. I aimed to take a homestead there.

Q. Have you a family?—A. Yes, sir; a wife.

Q. Did she go on the reservation with you on the 27th of February?—A. No, sir; not on the 27th, because it was cold; but she went there as quick as I could get a place for her to stay in.

Q. What did you build?—A. I built a shack on it right away, and then I went to work as quick as I could and built a small house.

Q. How much money did you spend on the shack?—A. I got good lumber so I could use it in building a house and stable. I paid \$107 or

\$108 for the lumber that went into my house and barn, and hauled it out from here myself. I hired some help to build it.

Q. Lumber was very high just at that time, was it not?—A. Not very. I did not pay an exorbitant price, but paid a little more than usual. I was acquainted with the lumber men here.

Q. You say the lumber you put in your house cost how much?—A. I paid about \$108 for it.

Q. Then did you do some breaking?—A. Yes, sir.

Q. Did you do any fencing?—A. No, sir; no fencing except I broke a furrow around my quarter-section when I got it surveyed.

Q. How much did you break?—A. Twenty-five acres and put it in a crop.

Q. Did you make any other improvements on the place?—A. Yes, sir; I had a well dug the 1st of April when I tried to file on it, and I had considerable of a crop in the 1st of April. I had over an acre of potatoes.

Q. You dug your well before that time?—A. Yes, sir; one well.

Q. Did you have to dig another?—A. Yes, sir; I dug a good deal to get water.

Q. What has been your total expenditures upon that place up to this time?—A. Well, I expect the improvements could not be done short of \$400 or \$500.

Q. That includes, of course, your own work and breaking?—A. Yes, sir; my own work and breaking.

Q. I understand you to say that you did all of this work before the issuing of President Cleveland's proclamation?—A. No, sir; not all of it. I did a little breaking afterwards. I had 10 or 12 acres broke when the proclamation was issued, and the balance I have done since. I could not say exactly how much I have done since. I have not done much but I have done some.

Q. You went into the reservation for the purpose of taking a homestead and making it your home in good faith?—A. Yes, sir; I tried to file on the 1st of April. I got Clark Roe to go to the land office and try to make a filing on it. It cost me \$25.

Q. Is the adjoining land to yours taken up by claims?—A. Yes, sir.

Q. Do you know any of those persons?—A. Yes, sir.

Q. Who are they, and where did they come from?—A. Lally, I believe, came from Michigan.

Q. Where had he been before the reservation was opened?—A. In Chamberlain at work, waiting for the reservation to be opened.

Q. Well, who else?—A. Mr. Miles.

Q. Where had he previously lived?—A. I could not say; I think in Iowa.

Q. Had he been staying in the neighborhood?—A. Yes, sir; working around wherever he could get work. He has moved his family down there and lives there.

Q. Are there any others?—A. Yes, sir; but several have left.

Q. I am not asking about those that have left, but about those that are living there?—A. Charlie Smetzer lives there; he is a German.

Q. Where did he come from?—A. I don't know; he is a German and I never had much conversation with him.

Q. Are there others there that you know who went out from town here?—A. There are others from one place and another; some came from Wisconsin, but they had been stopping here. There is Mr. Pritchard; he had been stopping around Chamberlain on this railroad land or somewhere below here. I think he lived below here.

Q. Were there any who lived in town besides those you have mentioned?—A. Yes, sir; there were several that had been stopping in town or living here. I don't know but what Sears may have been.

Q. What was he doing in town?—A. He was not doing much of anything.

Q. He was not in any business at all?—A. No, sir; except he sold some milk once in a while from a cow he had.

Q. Did he take his cow out with him?—A. Yes sir.

Q. Well, were there any others in your neighborhood, or have you gone over the list of your neighbors pretty much?—A. No, sir; there is Martin Borman. I guess he worked around town here whenever he could get work.

Q. What is the character of the improvements in your neighborhood?—A. They made improvements as fast as they could and such as their means would allow until the 17th of April.

Q. That is not what I asked. I want to know the character of the improvements—what sort of houses did they build?—A. Some of them built as good houses as their means would permit them.

Q. That is not very definite. What I want to know is the kind of houses?—A. Some of them built frame houses of good material but small.

Q. What I want is a description of them. What size were the houses on the average?—A. Some were 12 by 14 with a kitchen added of about 8 feet on the side. They were nearly all of one pattern, but when it came down to the shanties they were built in different ways according to the means of the man building it, and besides they could not get good lumber to build at that time.

Q. About what proportion of the houses in your neighborhood are such as you have described?—A. I will have to count them.

Q. I do not expect you to be exactly accurate, but we want an estimate as close as you can get at it?—A. There are ten or twelve right around me equally as good as my own and some of them better.

Q. Then how does it shade off from that?—A. It shades off from that down to a shanty just fit for habitation.

Q. About what size are those shacks?—A. Twelve by 14, and some are 12 by 16—different sizes.

Q. What was the average amount of breaking done in your neighborhood?—A. It will not average much; from 5 to 18 and 25 acres.

Q. That is, 25 acres would be about the highest?—A. Yes, sir; about the highest. They quit work after President Cleveland's proclamation.

Q. And it runs down from that?—A. Yes, sir; to a few acres for a garden patch. Those who had no teams did not do much or any breaking; they were getting ready to break, but considered it rather early, and then when the proclamation was issued they quit work.

Q. How many persons in your neighborhood who took claims went off the reservation when the order was issued?—A. There were several went off, but they did not abandon them wholly. Some of them had improvements there that they could not let go very well, and, besides, they had no place to move them to; they said they would as soon let them go as move off, but they went off and got work wherever they could.

Q. Some of them go back to their claims occasionally, I suppose?—A. Yes, sir.

By Mr. JONES:

Q. What size do you say your house is?—A. Twelve by 14.



Q. Is it covered with shingles?—A. Yes, sir; the best of shingles.

Q. Is there one room or two?—A. Just in one room. I expected to build a kitchen on the side of it, but did not do it after the order was issued.

Q. You say your improvements are worth \$400 or \$500?—A. Yes, sir; \$500 would cover them.

Q. What have you done since the proclamation was issued?—A. Not much; just straightened out things.

Q. The work was practically all done before that?—A. Yes, sir.

Q. You say you were here waiting for the reservation to be opened?—A. Yes, sir.

Q. How many other persons were here waiting for the reservation to be opened?—A. A good many.

Q. Had you received information that the reservation would be opened?—A. Yes, sir; they were blowing about it in the newspapers all the time.

Q. You had no other information except from the newspapers?—A. No, sir.

Q. You relied upon that and acted upon it?—A. Yes, sir; I did; that is about it.

Q. You say some of the settlers around you have no breaking; what proportion of the number living there have none?—A. Very few.

Q. What proportion have 25 acres of breaking?—A. Not over three or four.

Q. What would be the average amount of breaking?—A. I could not tell you, for I have not gone over it all, but some have 5 acres broke, some 6, and some only half an acre.

Q. Would it average 5 acres?—A. No, sir; it would not all through.

By the CHAIRMAN:

Q. You spoke of going on the reservation the 27th of February. How did you hear that the reservation was opened?—A. My God, everybody knew it in town.

Q. Was it generally known in Chamberlain in the afternoon of the 27th that the reservation was open?—A. Yes, sir.

Q. Had not improvements been made on the new town-site across the creek, and persons over there, before that time even?—A. It may have been the day before that some lumber was hauled over there. I don't know as any building was done that day.

Q. They might have commenced to build?—A. I could not say that there was a building commenced.

Q. But the lumber was hauled over on the 26th of February?—A. Yes, sir; I think so; or nearly about that time. I would not swear positively, but think it was about the day before.

By Mr. JONES:

Q. How did you get information that the reservation was open on the 27th?—A. We had been expecting it would be opened here for quite a while, and a gentleman came to me on the 27th and told me it was done.

Q. Who was the gentleman?—A. A brother of mine; and then several others told me.

Q. Did he tell you how he got the information?—A. Yes, sir; he said that Mr. Day, I believe, came to Chamberlain and reported it, and I don't know but what they got dispatches.

Q. From where?—A. I could not say.

Q. You did not inquire about that?—A. No, sir; I did not.

Q. Did you understand when the reservation had been opened?—A. That day, I believe.

Q. But you did not require how the news came further than as you have stated?—A. No, sir.

Q. Who is Mr. Day?—A. I would not know the gentleman if I were to see him. They reported that he had come to town.

Q. Your brother told you that Mr. Day had told him about it, did he?—A. No, sir; he said it was the report that Mr. Day had come to town and told it.

Q. You did not take pains to investigate the truth of the rumor?—A. No, sir.

Q. You acted upon it without investigation at all?—A. Yes, sir; I pushed out to get a claim as quick as I could; everybody rushed out.

Q. How many people that day left Chamberlain for the reservation?—A. I could not tell. By George, some persons came across from the other side that had been waiting; all rushed.

Q. Everybody in town seemed to know about it, did they?—A. I thought so. I did not wait to inquire. I wanted to get out there as quick as possible. I had no time to stop and inquire about anything.

Q. How many persons went on the reservation the night before?—A. I could not say.

Q. Can you tell me when Mr. Day came here?—A. It was reported that he came in that afternoon on the train.

Q. Some persons had rushed over on to the reservation before he came, had they not?—A. I do not know that they had.

Q. I thought you stated a while ago that some persons had hauled lumber on to the reservation the night before?—A. It was the new town site I was asked about then.

Q. That was on the reservation, was it not?—A. Yes, sir.

Q. They hauled lumber over there the day before—the 26th?—A. Yes, sir.

Q. Do you know on what information those men acted?—A. No, sir.

Q. Can you give the names of any of those men who hauled lumber over there the night before?—A. I hauled one load of lumber over there for Le Fovre, and I saw Mr. McKibben and several others over there.

Q. You hauled some lumber there yourself?—A. Yes, sir.

Q. Did you ask those gentlemen, when you hauled the lumber there, if the reservation was open?—A. They said it was going to be opened.

Q. Did you ask them how they got the information?—A. No, sir.

Q. But when you heard the rumor that it was open, you acted upon at once?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you know Day's first name?—A. No, sir.

Q. He does not reside here, does he?—A. No, sir; they said he came in from Mitchell. I did not know the gentleman, and would not know him to-day if I were to see him.

By Mr. JONES:

Q. Was there any improvements on the claim you located on?—A. Yes, sir; there was a little.

Q. What was the nature of the improvement?—A. Some breaking.

Q. Who had done the breaking?—A. A man named Jennings; and I was to pay him for it and have the land when it came into market.

Q. Jennings had gone there before you had?—A. No, sir.

Q. Had he done breaking on it before you went on it?—A. Yes, sir.

Q. Then he had been on it before you, had he not?—A. No, sir; he was on the claim beside it.

Q. Was any other claim occupied in your neighborhood at the time the settlers went on them?—A. No, sir.

Q. Were any of the lands in your neighborhood occupied by Indians?—A. No, sir; not that I know of; except the claim Jennings had, and he told me he was going to leave it if the reservation was opened.

Q. Was Jennings an Indian?—A. No, sir; he was a white man married to a squaw.

Q. It was understood between you and him about your taking the claim?—A. Yes, sir.

Q. There was no other instances, that you know of, of settlers occupying claims held by Indians?—A. I heard of some in the Brulé bottom that went on Indian lands, but I never inquired into it.

Q. Can you give the name of some settler that went upon Indian land?—A. No, sir; it was merely a rumor and I did not inquire into it.

Q. You did not understand the name?—A. No, sir.

By the CHAIRMAN:

Q. Do I understand you to say that you had previously made an arrangement with this squaw man to do some breaking on this claim before the 27th?—A. No, sir; he told me he was going to leave it if it came into the market, and I told him if he would leave I would pay him for the breaking he had done on the quarter-section east of his place; he said he would do it; that he did not want to stay there, because he could not get any water.

Q. He had already done the breaking before you had your talk with him?—A. Yes, sir.

Q. And he said he intended to leave it, and you told him if he would that you would pay him for the breaking he had done?—A. Yes, sir; that is the way I came by it.

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*Testimony of T. W. Sears.*

T. W. SEARS sworn and examined.

By the CHAIRMAN:

Question. What is your full name?—Answer. Thomas W. Sears.

Q. Have you a claim on the reservation?—A. Yes, sir.

Q. Whereabouts is it?—A. It is the southeast quarter of section 12, township 104, range 71, I think. It is the same township Chamberlain is in.

Q. When did you go on the reservation?—A. On the 27th of February.

Q. What time in the day?—A. It was quite early in the morning of the 27th.

Q. Before daylight?—A. Yes, sir; it was hardly daylight.

Q. Then it was the night of the 26th that you went in?—A. No, sir; it was somewhere between 2 and 4 o'clock of the 27th.

Q. Did any other persons go in with you?—A. Yes, sir.

Q. How many?—A. Five or six.

Q. Give their names, please?—A. F. B. Stacy was one. I do not know the names of all of them. There was a young man that hauls water here. I don't know his name.

Q. Well, give me the names of the others then?—A. I do not know what this young man's name was; he is working here in town.

Q. Do I understand you to say that out of the five or six men that went along with you you can only give the name of one? You must have known them; I suppose?—A. I knew the name of the man they were working for, but I do not recollect it now. I know it, too, as well as I do my own; he sells grain and feed here. Oh, yes; his name is Mr. Milley.

Q. Who were working for him?—A. Two of these young men that went with me were working for him at the time—the one that hauled water and one that hauled coal.

Q. Did Milley himself go along with you?—A. Yes, sir; he went along and John Anderson.

Q. Who is Anderson?—A. A blacksmith here in town.

Q. Was he working on his own account?—A. Yes, sir; he was working for himself.

Q. Was any one else with you?—A. I think not.

Q. How did your company come to get together?—A. We heard that a telegram had come to town, stating that the reservation was thrown open.

Q. When did you hear that?—A. I heard it perhaps about 10 o'clock in the evening of the 26th of February.

Q. Who did you hear it from?—A. I heard it first from F. B. Stacy.

Q. Who was he?—A. One of those that went with me.

Q. Was he connected with Milley in and way?—A. No, sir.

Q. How did your company happen to go together? Did you meet on the street? Where did you see Milley and these young men?—A. Stacy came to my house in the evening.

Q. Did he suggest to you to go?—A. We did not know what we had better do, but thought if the report was true we had better go early in the morning.

Q. How did you six persons get together? Where did you meet?—A. We stopped and got Milley's team.

Q. Where did you meet these young men that were working for him?—A. We met them at the lumber-yard.

Q. That night?—A. In the morning.

Q. What time did you get the team down there and begin to load up?—A. It must have been somewhere from half-past one to two or half-past two o'clock.

Q. When you got the team out?—A. Yes, sir; we did not load up much.

Q. Were other persons starting about the same time?—A. I think there were.

Q. Who else did you see start out about the same time?—A. I could not say; it was dark, but there were wagons going.

Q. What time did you see the first wagon start out?—A. I think it was not far from two o'clock, between one and two perhaps.

Q. Some got the start of you, did they?—A. Yes, sir.

Q. About how many?—A. I do not know.

Q. After you got started and daylight came, how many did you see in advance of you?—A. I did not see but one team; I saw a number of men.

Q. How many men?—A. There must have been three or four.

Q. Were they with the team you saw?—A. Yes, sir; the team I saw.

Q. Well, you and these others went out there. Where did you go?—A. I located my claim and the others went into other quarters near by.

Q. How much lumber did you all take out with you?—A. We took out lumber enough to establish a pre-emption there.

Q. How much lumber is that?—A. I don't know that it requires any in particular.

Q. How many feet of lumber did you have among the whole five or six of you?—A. I do not know; we had enough to put up tepees to make a sign by setting them in the ground and putting boards on, so as to let people know the claim was pre-empted.

Q. What time did you go out there?—A. About the time I have said.

Q. You set some of this lumber up in what would be called tepee fashion on its end?—A. Yes, sir.

Q. About what time did you get to your claim?—A. I think it was between two and three o'clock in the morning when I got to the claim.

Q. How far is your claim from Chamberlain?—A. About 3 miles by the road, but not more than  $1\frac{1}{2}$  or 2 miles right across.

Q. How many other claims were taken in that neighborhood that morning?—A. There must have been a good many.

Q. About how many, as nearly as you could tell by the signs?—A. Probably 10 or 12.

Q. In addition to those that were with you?—A. No, including those.

Q. Then, if there were five or six in your company, there was about as many more in another company down there?—A. Yes, sir.

Q. Did you see any other claims taken that morning anywhere on the reservation?—A. No, sir.

Q. How was it as to the new town-site over here?—A. I don't know much about the town-site.

Q. You saw it, did you not?—A. I saw something was going on there.

Q. When did you first see that something was going on there?—A. I could not say.

Q. In the afternoon and evening of the 26th were they not hauling lumber over onto the new town-site and beginning operations there?—A. Yes, I guess they were.

Q. When you went through there the next morning, were not people hauling lumber and at work on the new town-site?—A. I do not recollect. I do not think they were in the night, but they may have been.

Q. But the afternoon before they had been hauling over there?—A. Yes, sir.

Q. Who were they?—A. I don't know. I know teams went over and men went, but who they were I do not know.

Q. Do you mean to say you cannot tell me the name of a single one of them?—A. I can tell you the name of one, Mr. Overaker, a drayman here; he hauled lumber there, but I don't know who it was for.

Q. Did you see anybody hauling but him?—A. Not anyone I can name, but I think there were others.

Q. Now, you people went out there and put up signs on your claim, then what did you do?—A. We came back to town, as we were not certain yet that the reservation was open.

Q. You went in there without knowing whether it was open or not?—A. We supposed we had a right to go in.

Q. What information do you say you had had about it?—A. Somebody had received a telegram, but who it was I do not know.

Q. And you did not go and inquire of that person whether he had received such a telegram or not before you started?—A. No, sir.

Q. Without pursuing that inquiry at all you went right out, and then not being certain whether the information was true or not you came



back to find out?—A. Yes, sir; but the next day we were not so sure about it.

Q. When you came back to town you were not so sure about it?—A. The next day.

Q. What time did you get back to town that day?—A. Between five and six in the morning.

Q. What did you do then?—A. That was Saturday morning. At noon we received a telegram from La Favre—

Q. (Interrupting.) What is his first name?—A. John La Favre.

Q. Who is he?—A. The editor of the Democrat here in town.

Q. Well, you heard something from him. Did you see him or see his telegram?—A. I saw him about noon.

Q. Did he show you a telegram?—A. I don't know whether he or his son-in-law—

Q. (Interrupting.) What is his son-in-law's name?—A. McKibben.

Q. Did one of them show you a telegram?—A. No; they said they had received one and the purport of it was, "Look out for your interests."

Q. Who was the telegram from?—A. I do not know. I think it was from some one at Mitchell.

Q. Was it from Mr. Day?—A. I don't know.

Q. Didn't you hear who it was from?—A. No, sir.

Q. All you heard from him was that he had received a telegram from Mitchell that said, "Look out for your interests"?—A. Yes, sir; I suppose it was sent after the news got there from the East.

Q. Did he explain to you what the telegram meant?—A. No, sir.

Q. Did you know what it meant?—A. I will tell you about it. Some of us had been expecting the reservation to be opened, and had been staying here a good while waiting for it, and we wanted, when it was opened, a chance to get a claim on it; therefore we had to be on the lookout or we would not have gotten anything.

Q. Had you an arrangement with somebody at Mitchell to send you the information in that cipher, "Look out for your interests"?—A. No, sir; but we were expecting every hour to hear that the reservation was open.

Q. Who did you arrange with to telegraph you?—A. Not with anybody; only the news would come pretty quick.

Q. Why were you expecting it every moment almost? What had you heard? Who had written or telegraphed you?—A. Oh, well, of course, we were anxious about it.

Q. Yes; but that is not answering my question. Who had written or telegraphed you?—A. Not any one that I know of.

Q. Then how did you come to be expecting that the reservation would be opened every minute. Was it simply a rumor, or had you any information from anybody?—A. Not anything for certain.

Q. Were you in correspondence with anybody? Had you an arrangement with anybody at Mitchell, Washington, or anywhere else to telegraph you?—A. I did not. I don't know about others.

Q. Did you know any one who had such an arrangement?—A. No, sir; I did not.

Q. Then you were just waiting to hear of it when it was published in the newspapers?—A. We expected to get the information sooner than that.

Q. How did you expect to get it and who from?—A. I don't know; but such things are generally sent around.

Q. Was there some one you looked to to get that information for you?  
—A. No, sir; I did not.

Q. We will go back to this telegram. You say that either La Favre or his son-in-law, McKibben, got a telegram that morning from Mitchell which read, "Look out for your interests." What did you understand that to mean?—A. I understood it to mean that if we wanted a claim on the reservation we had better be up and doing or somebody would get ahead of us.

Q. Who told you that was what it meant?—A. No one; I just took it to mean that.

Q. You say either La Favre or McKibben said they had gotten a telegram from Mitchell saying, "Look out for your interests," and you understood that to mean to look out for your claim if you wanted one?—

A. Yes, sir.

Q. Who told you that was what it meant?—A. I don't know; he did not tell me.

Q. How did he come to tell you he had gotten such a telegram?—A. It was rumored on the street that he had, and I think I asked McKibben about it.

Q. And he told you he had got such a telegram? Did he tell you he did not know what it meant?—A. I do not know that he did or did not.

Q. Well, then, after that what did you do?—A. I went back onto my claim.

Q. Did you take some lumber back?—A. Not then.

Q. How long did you stay out on your claim?—A. I stayed there until nearly five o'clock in the afternoon.

Q. Did you see others going out?—A. After the cars came in a good many went out.

Q. What time did the cars come in?—A. Between two and three o'clock on the 27th.

Q. Describe to the committee how much of a rush there was when the cars came in.—A. Oh, I could not tell; there were a good many went up the hills and scattered all over generally, getting lumber as fast as they could.

Q. Were they rushing things at the lumber yard loading lumber?—A. Yes, sir.

Q. You came back to town again just before the cars came in, did you?—A. No, sir; the cars came in between two and three o'clock, and I got in between four and five.

Q. Then did you load up some more lumber and take it out?—A. I do not think I took out all lumber; I took a tent and ropes.

Q. Did these other young men who were working with Milley go out with you?—A. John Anderson went with me.

Q. You took a tent out and set it up?—A. Yes, sir.

Q. When did you hear positively that the reservation was open?—A. We heard that it was open on the 27th.

Q. What time in the day?—A. About 3 o'clock in the afternoon.

Q. You were not in Chamberlain at that time?—A. No, but I came in between 4 and 5 o'clock and heard it.

Q. Did you hear it first out on the reservation?—A. No, sir; I heard it here in town between 4 and 5 o'clock, when I got in. Well, I did hear it from somebody out at my claim before I came in town.

Q. The persons that told you were in town when the train came in and got out there before you started back?—A. Yes, sir.

Q. You heard from them that the reservation had been opened?—A. Yes, sir.

Q. What inquiry did you make when you came to town?—A. I inquired to know if it was so. I had supposed myself that it was open the day before until I heard to the contrary.

Q. When did you hear that it was not open the day before?—A. I heard it out there from a man that took land joining mine.

Q. When was that; in the morning before you came to town the first time?—A. No, sir; it was Saturday afternoon after I went back.

Q. You heard from a man there near your claim that it had been opened that day?—A. Yes, sir; they had come in on the cars.

Q. Did you see any telegram from any one at Washington giving any information as to whether it had been opened or not when you came in that evening?—A. No, sir; but I heard that the land agent at Mitchell was here and said it was really open.

Q. You mean by land agent the register?—A. Yes, sir.

Q. He had come down on the train, had he?—A. Yes, sir.

Q. And said the reservation was open?—A. Yes, sir.

Q. Did he say he had received notice of it?—A. I did not see him, but I supposed he had received notice.

Q. What did you do afterwards on your claim?—A. I staid in my tent that night, Saturday night, and Sunday I did not do anything. My tent was there and I was up there once, but did not make any improvements. Monday morning early I went to work, took out lumber and had my house inclosed by Tuesday night so I could take my family out.

Q. What sort of a house did you build?—A. Twelve by 16; 10 feet in the clear.

Q. Was it a shack?—A. It was a double roof and ship-lapped on the sides, and then I papered it inside.

Q. What did it cost you?—A. It cost me a little over \$100, because we had to pay so much to get anything down at that time.

Q. That house was 12 by what?—A. Twelve by 16.

Q. You say that cost you \$100 only 3 miles from town?—A. Somewhere not far from \$100. I had to pay \$5 to a man and team for half a day's work. You could not get a team short of \$5 to take anything out in the reservation.

Q. What other improvements did you make?—A. I put up a stable and shed.

Q. What did they cost you?—A. My stable and sheds were about 12 by 14.

Q. How were those sheds covered?—A. By boards and lapped.

Q. What did they cost you?—A. They must have cost in the neighborhood of \$70 or \$75; perhaps somewhere from \$60 to \$80.

Q. Did you make any other improvements?—A. Breaking.

Q. How much breaking did you do?—A. Five acres.

Q. That is all that has been done up to this time on your place?—A. Yes, sir.

Q. When did you do that breaking?—A. We just fairly got to breaking when we received the news that we would have to leave.

Q. You had just done your breaking?—A. I do not know whether I had gotten through; I will not say; but I was going to break about 40 acres.

Q. Did you break any after you heard of President Cleveland's proclamation?—A. I really do not know. I might have broke a little more, but I quit. I was afraid it would be time and money thrown away.

Q. You have remained down there ever since?—A. Yes, sir.

Q. Where did you reside before you went on the reservation?—A. Here at Chamberlain.

Q. What business were you engaged in, if any?—A. Not anything in particular.

Q. Were you not in some business? If so, tell us what it was.—A. No, sir; I was not during the winter.

Q. Had you been farming the year before?—A. I farmed some and before this I had had cattle about here.

Q. Do you have a house here in Chamberlain?—A. Yes, sir.

Q. Do you own it?—A. Yes, sir.

Q. How long have you been living in it?—A. Nearly a year and a half.

Q. Did you rent the house out to some one else when you went into the reservation?—A. No, sir.

Q. It has been standing here empty, has it?—A. It really is a store.

Q. Had you been keeping store here?—A. No, sir.

Q. It was a sort of a store building in which you lived?—A. Yes, sir; I lived in the upper part and the lower part was used for one of the graded schools.

Q. You have not made any use of that at all since?—A. No, sir.

Q. Have you spent all your time out on the reservation, or part there and part in town?—A. I have spent my time out there.

Q. Where has your family been?—A. My family has been out there. My wife has not been off the place since the 3d of March.

Q. Did you leave your furniture here mostly?—A. Some of it is here.

Q. Have you spent the nights here since you went out there?—A. No, sir; I came into Chamberlain one night and staid till morning; that is all.

Q. That is the only time you have occupied your house in town since you went out on the reservation?—A. Yes, sir; I desire to state that it was on Saturday at noon that I heard of this telegram that either La Favre or McKibben spoke to me about. I think I stated it that way before, but am not sure.

### *Testimony of C. H. McKibben.*

C. H. MCKIBBEN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Chamberlain, Dak.

Q. I believe Mr. Sears said you were a son-in-law of Mr. La Favre?—A. Yes, sir.

Q. Are you engaged in business with him?—A. Yes, sir.

Q. What business?—A. Newspaper business.

Q. Mr. Sears said something about some information coming from you or Mr. La Favre about a telegram received from Mitchell, on the 27th of February, before the train arrived, to the effect, "Look out for your interests." Did you receive or know of such a telegram?—A. Mr. La Favre received such a telegram.

Q. Who from?—A. L. H. Day.

Q. Was La Favre on the train coming this way?—A. Yes, sir; I believe he came in on the train.

Q. Do you know what the telegram referred to?—A. Well, as he understood it from some correspondence he had with him before, it was in reference to this reservation.

Q. Was it in reference to the reservation or new town site here?—A. In reference to the reservation.

Q. What was La Favre proposing to do, locate some scrip or what?—A. I don't know. I believe the telegram read "The thing is a bird; look to your interests."

Q. What was meant by that? What interests had he to look to?—A. I do not know what particular interests.

Q. Had you and La Favre, in connection with him, any purpose in reference to the reservation?—A. No, sir.

Q. You do not know how Mr. Day came to send this telegram then?—A. He had promised La Favre to let him know as soon as he obtained any information in regard to the reservation.

Q. Did you give out that information generally?—A. Yes, sir; we gave it out as soon as we received it.

Q. Did you and La Favre have any claim or lots in the town site?—A. I took a claim over there; he did not.

Q. On the town site?—A. No, sir; out in the country.

Q. Did you go and live upon it?—A. Yes, sir.

Q. Where was your claim?—A. Section 27, township 105, I think.

Q. When did you go out in the reservation?—A. I went out on Saturday evening, the same afternoon we received the message.

Q. Did you make some improvements there?—A. I did.

Q. Were you a man of family?—A. Yes, sir.

Q. Did you live here in town?—A. Yes, sir.

Q. What sort of improvement did you make there?—A. I put up a small house and small barn was all.

Q. When did you put them up?—A. I believe I took the lumber out Saturday and put them up the next week.

Q. Did you stay out there?—A. Yes, sir.

Q. Did you take your family with you?—A. Yes, sir.

Q. How long did your family remain out there?—A. We staid there until after President Cleveland's proclamation and then returned.

Q. In the mean time did you give up your house in town?—A. Yes, sir.

Q. I mean did you rent it to somebody?—A. No, sir; La Favre and I were living together and he remained there.

Q. After President Cleveland's proclamation you left the reservation and returned to town. Did you leave the improvements you had made there?—A. Yes, sir.

Q. Do you know of any telegram or information that came here the evening before the 26th?—A. No, sir.

Q. When did they begin to occupy this new town site across the creek here?—A. I am not positive whether it was Friday or Saturday.

Q. Do you not recollect that it was Friday afternoon?—A. I am of the opinion that it was Friday afternoon or about noon.

Q. Were there many persons over there that day?—A. Yes, sir; quite a number.

Q. Did you see any map or plat of the new town here on Friday?—A. I saw one either Friday or Saturday, I could not say which.

Q. How was it prepared?—A. It was incomplete at the time, I believe.

Q. Was it sketched out on drawing paper or wrapping paper?—A. As to that I could not say. It was on paper.

Q. Where did you see it?—A. I saw it first, I believe, in the First National Bank, and afterwards I saw Captain Lucas have it.



Q. Who were understood to be the promoters of that town site enterprise?—A. The first I knew of that was the day they went over there.

Q. That was on Friday?—A. Yes, sir.

Q. Do you know who was getting up the plat?—A. I do not know; I think Coburn drew the plat.

By Mr. JONES:

Q. Was the information that came in this dispatch made public at once?—A. It was.

Q. It was not intended to be used by any particular individuals in order to get the start of the community generally?—A. No, sir; La Favre was down street at the time he received the telegram and showed it to quite a number of parties before he came to the office—before I saw it.

Q. It was made public then?—A. Yes, sir; we made it public at once.

*Testimony of A. M. Tuttle.*

A. M. TUTTLE sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At present I reside in Chamberlain, but have more of my household goods on the reservation than I have here.

Q. How long have you lived in Chamberlain?—A. Two years.

Q. What is your business?—A. Physician.

Q. Practicing here?—A. Yes, sir.

Q. Do you own the house you live in?—A. Yes, sir.

Q. You went out and took a claim, did you?—A. Yes, sir.

Q. When did you go out?—A. I went out in the afternoon of the 27th of February.

Q. What time in the afternoon?—A. About four or five o'clock, I think, or six.

Q. Did you take any lumber out with you?—A. Yes, sir.

Q. Did you go out with a company?—A. No; I did not.

Q. A great many others went out that evening, did they not?—A. Yes, sir.

Q. Where did you locate a claim?—A. The southeast quarter of section 2, township 104, range 71.

Q. Did you take your family out there?—A. Yes, sir.

Q. When?—A. March 2.

Q. What sort of improvements did you make there?—A. I built a house 12 by 14 and a shed 14 by 15 for a barn. The house I ship-lapped, papered, and shingled.

Q. What did the house and shed cost you?—A. It cost me \$150. It so happened that by mistake another man got on the same claim with me almost simultaneously; we were just about together and we both put up improvements. Afterwards he was called away and he showed me the items that he had expended on improvements, which footed up a little over \$250, and told me if I would give him \$200 he would withdraw and give me what he had, and I paid him in cash.

Q. How long did you remain on the place?—A. Well, I have got the most of my household furniture and means for keeping house out there now, and have been there off and on ever since, but have not staid there

constantly at all. It was just about a month ago that I came in and told the folks that camping out was not as good as staying in town.

Q. You have been staying in town, then, from about a month ago?—A. Yes, sir.

Q. Did you intend to leave your practice here, and go down there and live?—A. Yes, sir.

Q. Permanently?—A. I did; I got a span of mules that increased this spring, and expected to make a stock farm of it.

Q. Did you intend to live on it?—A. I intended to occupy the land. I intended to have an office in town, and do a little day practice here, but run the farm for all there was in it. It was only 2 miles from town.

Q. Do you know other settlers that went out there?—A. Yes, sir.

Q. Did any other professional men go out from Chamberlain?—A. Mr. G. R. Owen, a preacher, went out. I think there was no other physician went out there; there was some on the town site.

Q. Any other preachers?—A. No other preachers.

Q. Did any lawyers go in?—A. No, sir; not at that time; there was a young man took a claim that has since been admitted to the bar.

Q. I will ask you whether you had any reason to believe that any of those persons who went out there did so with any other intention than that of remaining on their claims?—A. All that I know of I think intended to remain there and make farms.

Q. Do you know of any cases where persons used others to enter claims for them with an understanding or arrangement to buy them out?—A. No, sir.

Q. You have no information of any such case?—A. No, sir; I desire to say that when I left town I rented my house and have not got it back yet.

### *Testimony of John H. King.*

JOHN H. KING sworn and examined.

By the CHAIRMAN:

Question. You reside in Chamberlain?—Answer. I do.

Q. How long have you resided here?—A. Three years.

Q. You publish a newspaper here, do you not?—A. Yes, sir.

Q. What is the name of the paper?—A. The Chamberlain Register.

Q. State what you know, if anything, about the method and time at which the first information as to the opening of this reservation came here to Chamberlain.—A. We were expecting and looking for information in relation to the opening of the Crow Creek Reservation. We had had a number of our people in Washington, especially Mr. Raymond, and I think Mr. Day and others who chanced to be there, and we had requested them to send us the first information they could get in reference to when the reservation would be opened. We got frequent telegrams and letters informing us as to the progress being made in presenting the case to Secretary Teller. We had been for a long time arguing that this land north of American Creek was subject to Executive order and urged that it be thrown open, and I could not say that we got a promise, but our information was that Secretary Teller would probably act upon it and open the reservation for settlement.

Q. How early did you have an intimation of that kind?—A. Well, he talked some of opening it the Congress before, although he did not

promise to do so. The matter was presented to him fully and he seemed to be satisfied that it ought to be done, but was reluctant to act. I think he gave as a reason that the Indian Bureau was opposed to it but he seemed to be satisfied about it.

Q. Who did you have this information from?—A. From Secretary Teller and from those who saw him—from Mr. Raymond. I think Mr. Pettigrew, our former Delegate, presented the matter to him. We had been working on it for some time, and lately we had information that the Secretary would act. I think Dr. Henry and I called upon Secretary Teller at Washington in January, 1885, and he said he did not want to say what he would do; he was satisfied that the land was subject to Executive order, but was in hopes Congress would take some action upon it; that he did not want to act, but wanted to await action by Congress. Mr. Raymond urged the matter on the Secretary, and he was satisfied he would act upon it. Mr. Raymond wrote me some time before the reservation was opened that he thought Mr. Teller would act the next week; that he had become satisfied that the Sioux bill would not pass Congress, and then we heard of this dispatch from Mr. Day to Mr. La Favre.

Q. That was on the 26th?—A. That was on the 26th, and on the evening of the 26th, or morning of the 27th, I do not remember which, as I did not preserve the telegram, but could tell by reference to the files of the Register, we telegraphed for information and I got a dispatch from Mr. Raymond that the order was signed or would be signed that day. I think it was signed the 27th; I think Raymond telegraphed me that the order would be signed that day.

Q. What time in the day did you get that telegram from him?—A. My recollection is it was in the forenoon or about noon, and I think there were one or two other telegrams received by parties here from parties at Washington to the same effect—that the order would be signed that day, the 27th.

Q. State whether that information was withheld by those who received it from the general public.—A. No, sir; on the contrary every particle of information was sought with great eagerness, and was given out to everybody the moment it was received. I do not believe there was a telegram received here by anybody, or any letter of importance about the opening of this reservation, that was not made public at once.

Q. What do you know of Mr. Day? Did he have any claim or purpose of making any?—A. Day was making an effort to scrip some of this land on the north side of American Creek.

Q. Where the new town site was started?—A. Yes, sir; he made an effort to do it and tendered some scrip at the United States land office.

Q. Do you know who was associated with him?—A. I do not think any particular person unless it was Lawler. I think he had some interest in it.

Q. There was an offer to take it up by scrip?—A. Yes, sir; I know we made an effort to take some up by soldier additional scrip, but then we knew that actual settlers would take it up, and we abandoned the project.

Q. Do you know when that town site was taken up?—A. Yes, sir.

Q. When was that?—A. It was talked about by persons who desired to secure pieces of land to reside on, by Captain Lucas, Dr. Henry, and promiscuously among the settlers; it was talked that they would take

the land up under what is known as the town-site act, each man taking a portion and building upon it.

Q. Did they make up a plat dividing out the lots among themselves?—

A. Yes, sir; they did.

Q. When was that done?—A. It was completed about the 26th. I think the evening of the 25th, but I might be mistaken. I think it was the evening of the 25th that they made up the plat and divided it up, one man selecting that piece and another this piece.

Q. Was that divided up among certain persons, or was it open to everybody?—A. It was open to everybody; there was no exclusion about it that I know of. It was not a private enterprise; it was of a public character. Some people got together and talked about it; some wanted to go in and some did not.

Q. How did they arrange among themselves after this plat was drawn, as to the lots?—A. I think they platted quite a tract of ground, much larger than the original parties intended, and then each man drew for choice, and then went on the ground and selected their lots.

Q. When did they have the drawing for choice?—A. I think the first drawing was on the evening of the 25th or 26th; it was before the proclamation was issued, anyhow; but after we had information from Mr. Raymond that the Secretary had intimated to him that if it became evident to him that the Sioux bill would not become a law he would, before going out of office, open this reservation for settlement.

Q. They began hauling lumber over to this new town site on the 26th, did they not?—A. Yes, sir.

Q. Did they begin building over there on that day?—A. I do not think there was any building, except where a man selected a piece of ground he would put up something showing he claimed it.

Q. What time in the day on the 27th did the first information come that the order had been signed?—A. My recollection is it was before dark. It runs in my mind that it was 4 o'clock, but I could not tell; it might not have been so early. My recollection is it was before dark.

Q. Have you any general acquaintance with these persons who went into the reservation?—A. I am acquainted with a large number of them.

Q. Where did those you know come from?—A. There were large numbers of people that expected the Sioux bill to pass the Congress before, and came here expecting to take up land north of American Creek and across the river. They came from all the Northern States in the Union; most of them came from Iowa, Wisconsin, and Minnesota, with quite a number from Illinois, Indiana, and States farther east, and they remained around here waiting for the opening of the reservation.

Q. Have you any knowledge or information of any combination or arrangement by which any of these persons went upon this reservation with a view of selling out their claims to other persons?—A. I have none, and have studied it over earnestly. I do not believe that there was a single case of that kind.

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*Testimony of G. R. Owen.*

G. R. OWEN sworn and examined.

By the CHAIRMAN :

Question. You are, I believe, a minister of the gospel?—Answer. Yes, sir.



Q. State whether you are also secretary of the Settlers' Association that has been formed here.—A. I am; I was appointed at a meeting held on the reservation.

By Mr. INGALLS:

Q. When?—A. Soon after the revocation order; perhaps a week. I could not give the date.

Q. About when?—A. It was about a week after the revocation order; as soon as the settlers could get together and organize.

Q. What was the date of the order?—A. April 17, I think.

Q. Then it was from the 17th to the 25th of April?—A. I should say so. I could find out by referring to the records.

By the CHAIRMAN:

Q. Before going upon the reservation you had been living in Chamberlain, had you not?—A. I had been stopping here; my home was in Syracuse, N. Y.

Q. How long had you been here?—A. I came here in the fall.

Q. You had been living in New York previous to that?—A. Syracuse, N. Y.

Q. Had you not lived in Missouri?—A. I lived there awhile and then went back to New York, and came from New York directly here.

Q. When did you go on the reservation to settle?—A. The Monday morning following after it opened; about the 29th, I think; I had driven over it, looking around, trying to select a claim, on the afternoon of the 27th of February.

Q. That was the first time you had been on it with a view to select a claim, had it?—A. I think so.

Q. Had you heard that the reservation was open when you went on it on the afternoon of the 27th with a view of selecting a claim?—A. Yes, sir.

Q. What time on the 27th did you hear it was open?—A. I think about the middle of the afternoon, or a little later; perhaps it was 5 o'clock.

Q. Did you go out after that to select your claim?—A. I had been driving around on the reservation, as I recollect it, before.

Q. You had been driving over the reservation before you heard it was open, had you?—A. Yes, sir; before I heard it was a certainty.

Q. Before you heard it had been opened?—A. Yes, sir.

Q. Where did you take up your claim?—A. About 3 or 3½ miles from town.

Q. Did you make some improvements upon it?—A. Yes, sir.

Q. Of what character, and when did you make them?—A. I went out on Monday morning, but commenced building the previous Saturday, I think. The day we received the first notice I sent out a little lumber in the afternoon.

Q. What time in the afternoon did you send out your lumber?—A. After I heard it was open. I did not care to risk anything on it before.

Q. Well, you went out on Monday. What sort of improvements did you make?—A. I set up a shack like the rest at first, to show an improvement, and after that went on improving from time to time.

Q. What have you got there now?—A. I have a frame house ship-lapped, with floor and windows, about 24 feet square, I should think. I also have put up a cottage; that I built during the winter, to be used in town in case the reservation should not be opened. I also built a



cow-shed, hennery, &c., and Mr. Gregory and I dug a well on the line, which cost about \$60.

Q. Did you inclose your land?—A. I got about 800 pounds of wire on hand and commenced to fence it, and got post holes dug and posts in most of it, and had some wire strung when the order struck us. Then I tore up my posts and put them across one end of it, leaving about 80 acres of it in good shape—the wire fence and stock now in it. I had been picking up calves before the reservation opened.

Q. You only broke a garden spot?—A. I broke around my claim to mark it. I also fenced in a stock-yard separate from the other.

Q. How much of this work have you done since the proclamation of President Cleveland was issued revoking the other order?—A. I think the throwing of the fence across so as to inclose one end of what I had nearly done would cover that.

Q. That is about all you have done since?—A. Just about that time I commenced a cellar for another house, calculating to use the one I was living in for other purposes as soon as I could get a more comfortable one.

Q. Have you made that your home ever since?—A. More or less. I lived there for some time after the last proclamation steadily. Of course there was not time to put up such a house as I could put a piano and other heavy furniture in, and I had to leave them here. Dr. Tuttle and I had a room together here that we put some things in, he having rented his house.

Q. Did you come back to town after awhile?—A. I have been back to town more or less. At the time I went there I took out my dishes and other material for housekeeping.

Q. Have you brought any of them back?—A. I have brought some of them back to use temporarily. I am sometimes off the claim and sometimes on it.

Q. As secretary of the Settlers' Association have you copies of the proceedings?—A. I have.

Q. Are they in printed form?—A. They are in the minute book.

Q. Have they been published so you can furnish us newspaper slips?—A. We have had resolutions printed and will furnish them to you.

Q. As secretary of this association have you had pretty general acquaintance with the settlers?—A. Yes, sir; more general than personal. I have been over the reservation largely, attending meetings, and have met a great many settlers. We held our reservation meeting on the reservation, and there were a good many more people there then than now.

Q. Have a good many persons left the reservation?—A. Quite a number.

Q. Have they generally left their improvements and go back and forth from their claims?—A. A large number of those actually gone were people who were not able to stay, and others still remain calculating to stay as long as there is a turf to hang to.

Q. Are you one of those?—A. I have \$500 or \$600 worth of property down there.

Q. That was not what I asked you. I asked you if you are one of those you have described.—A. Those that propose to stay?

Q. Yes, sir.—A. I propose to stay as long as there is any show. We hope that our evidence sent to Washington will cause the President to revoke his order and give us a little more chance for our lives. We want to hang on as long as we can.

Q. From your acquaintance with these settlers and your knowledge

of them state what the fact is, so far as you know, as to whether the settlers who went into the reservation under President Arthur's proclamation did so in good faith, with the intention of holding the claims and making permanent homes, or whether any of the claims were taken up for speculative purposes, with the view of selling out to somebody else who should pay the expense of starting the thing?—A. I ran across one party of that kind, who said he was holding the claim for another party. I quizzed him down to it. He had been offered something for his claim, and I asked him why he did not take it, and he said it was not his business; that he was holding for another party.

Q. Who was that person?—A. I do not know his name; I never saw him before or since. He was a colored person. That was the only man I ever saw of that kind. I think it has generally been settled with the best of intention.

Q. That is the only case you have any knowledge of?—A. It is the only case I can swear to. I want say to something more in relation to the other point you have spoken of about people going off. I have had letters from people as far away as Vermont, saying that they had built shanties on the reservation and had gone back for their families, and wanted to know the situation of things, whether it would be safe for them to come on with their families, showing that it was their intention to settle on the land; and around in my neighborhood it was well settled; washing hanging out on Mondays, and people living there bona fide.

By Mr. INGALLS:

Q. What is the name of the association of which you are secretary?—A. Settlers' Union.

Q. Do you have a regular organization, with a president, secretary &c.?—A. Yes, sir.

Q. Have you a written constitution, or declaration of principles or objects?—A. We had an executive committee appointed and they drew up certain matters which I have on record.

Q. Was that printed?—A. I think it was, in the Register.

Q. Can you state briefly what the objects and purposes of this association are, as defined by the resolutions to which you have referred?—A. The idea embraced in the resolutions adopted at that meeting was that this reservation had been opened by President Arthur's order, as we believed legally, and that we had gone in in good faith and taken up claims, supposing that we could trust the Government. But now, giving the date of the next order, April 17, we recited: "Whereas President Cleveland has issued a proclamation ordering us to abandon our homes, under threats of the military force of the Government, be it resolved." Then followed several resolutions stating that we would stand by our rights to the last, and use every proper legal method to accomplish the same; that we believed the order to be unjust, &c. I can furnish the resolutions.

Q. I wish you would furnish them to the stenographer, and have them incorporated in the record.—A. I will do so.

Q. How many members of the organization are there at present?—A. We have a president, secretary, and executive committee, and then we have a list of names. Any one is properly a member who puts in money to help us and makes their affidavit.

Q. It requires contributions and affidavits to become members of the association, does it?—A. It requires the payment of \$1 down.

Q. Will not you state what affidavit was required?—A. You have a copy of them.

Q. Have you blanks you could furnish?—A. Yes, sir.

Q. Will you be good enough to furnish the stenographer a copy of the printed affidavit that was required for membership in your association?—A. I will do so.

Q. Give us as nearly as you can the number of members in the association.—A. Between two and three hundred, I think.

Q. You think there are between two and three hundred active members of the association who became so by paying \$1 and filing an affidavit?—A. Yes, sir.

Q. How much money have you raised?—A. I think there has been about \$350 raised; I could tell by my books.

Q. How was that fund expended?—A. Three hundred and seven dollars was paid to Mr. Hinman to go to Washington, look up our title, and present our case to President Cleveland.

Q. When was that?—A. We got our evidence in just about the time our sixty days was up, and I think we started him about two weeks before the sixty days' time had expired given by President Cleveland's proclamation.

Q. Is there any disposition among the members of this association to resist the proclamation of President Cleveland?—A. I could answer that yes and no. Our resolutions that I spoke of show that we intend to resist it by all legal means, but not by force of arms. I have not heard that suggested yet.

Q. Outside of that former declaration, is there any purpose, so far as you know, being the secretary of the association, to forcibly resist the accomplishment of the object of President Cleveland's proclamation?—A. Not that I know of. We propose to fight it out legally as long as there is anything left to fight.

Q. There is no purpose, then, either entertained or avowed, so far as you know, to resist that order except by legal and peaceable methods?—A. I know there is not. I have heard nothing of that kind expressed by the settlers. They are as fine a class of people as you would meet in any society in the East, as a general thing.

Q. If that is so why do those settlers now upon the reservation continue to disregard the proclamation of President Cleveland?—A. We have believed up to this time, and still believe, that we can convince the President that a mistake has been made, and that we have legal rights there.

Q. Failing in that is it then your purpose to vacate the reservation?—A. Failing in that it is my purpose to get out of the way and let the Government tear up my buildings and fences—do what they want to, and pay damages. I shall not take them off.

Q. Is there any disposition to interfere with the improvements and claims held by Indians?—A. Not the least that I know of. I have heard of a few cases where settlers got on Indian lands, but it was unintentional and they got off immediately.

Q. In such cases the locations were made unintentionally, and the land was promptly vacated?—A. So far as I know that is true.

Q. What is the disposition of the settlers, so far as you are aware, toward the Indians?—A. I think their disposition toward the Indians and their disposition toward the settlers is friendly. We always salute as we pass. A large part of the people over here on the reservation came here with Indian sympathies.

Q. Has there been any depredations by the Indians on the property of the settlers?—A. Not so far as I know where any action was deemed necessary by the union.

Q. Has there been any depredations by the settlers on the property of the Indians, their ponies or crops?—A. No, sir; not that I know of.

By the CHAIRMAN:

Q. I believe there was some resolutions passed by your union in regard to depredations. I will ask you in this connection whether that had any reference to Indian depredations, as it has been construed by some, or whether it was in reference to depredations supposed to have been committed by white people?—A. After this order of President Cleveland's was issued the settlers did not stay so close to their claims; sometimes they would leave their shanties vacant for a week or so, and in a number of cases when they came back they found all sorts of depredations had been committed—things stolen and kicked around, sugar thrown all over the bed, &c. That was carried on to such an extent that the matter was brought before our union and we passed resolutions directing the executive committee to take such action as would stop it. It was supposed to be done entirely by white people, and I think it has been proved so, and that the Indians never thought of it.

By Mr. INGALLS:

Q. Is there any feeling among the settlers, so far as you know, against permitting the Indians to remain on the reservation with such assignments of land as might be thought necessary for their maintenance and support?—A. I do not think there is. Of course if it became necessary to move some white settlers who went in in good faith they would want remuneration for their claims, but the general feeling between the settlers and Indians is amicable. I never saw it so much so in the West.

Q. There is no disposition, so far as you are aware, on the part of the settlers to inflict any injustice upon the Indians?—A. No, sir; there is not. Of course there are in every community lawless people who will injure others. I would like to have that question asked of others who live near the Indians. Tom Hays is here; he lives close to an Indian. I want to say there is one item of expense that has not been inquired about. A good many of these settlers had to pay \$5 or \$10 surveyors' expenses, and there are a good many other incidental expenses that do not appear here.

(For papers furnished by Mr. Owen, see Appendix, Exhibit G.)

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*Testimony of Joseph Callanan.*

JOSEPH CALLANAN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I reside in township 106, range 69.

Q. On the reservation?—A. Yes, sir.

Q. Have you been living on it?—A. I did until after the 17th of April.

Q. When President Cleveland's proclamation came out?—A. Yes, sir.

Q. You obeyed the proclamation and removed?—A. I did; that is, I only go there once in awhile.



Q. You had about the same character of improvements that have been spoken of?—A. Yes, sir.

Q. Did you do any breaking?—A. Yes, sir; a little. I contracted to have 5 acres broke, and they went there to work but could not make their plow work and only broke about half an acre.

Q. Was your location anywhere near the Indians?—A. Yes, sir; an Indian has settled on the claim, or attempted to, since I was there.

Q. Were any Indians living near there when you were there?—A. Yes, sir; some Indians lived right around there.

Q. Do you say that an Indian has settled on your claim since?—A. Yes, sir; I believe Mr. Gasmann has allotted an Indian the claim I settled on.

Q. After you left there?—A. Yes, sir; he has moved on there since I left.

Q. Do you know when it was allotted to the Indian?—A. The paper this Indian has shows it was on the 14th day of March.

Q. You were called with a view of being asked the question Senator Ingalls asked Mr. Owen as to the feeling between the Indians and settlers?—A. There is only one Indian around in my neighborhood that thinks he has been wronged by the reservation being opened.

Q. Is your acquaintance general with the Indians?—A. It was from the 1st of March; I was right there among them.

Q. How many were there?—A. I saw from six to twenty per day around there.

Q. Your information, then, is that the Indians are rather pleased than otherwise at the reservation being opened?—A. Yes, sir; some of them say now they would rather have the white settlers stay than go.

Q. Without any compensation for their lands at all?—A. Yes, sir.

Q. They would be willing to let their lands go without being paid for them?—A. Yes, sir; I have heard some of them express that.

Q. Do you think it is the prevailing feeling among the Indians that they would like to have their land taken without being paid for it?—A. Yes, sir.

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*Testimony of John H. King, recalled.*

In reference to this meeting about the new town site that I was asked about in my examination, I stated that I did not recollect whether it was held on the 25th or the 26th of February. Since testifying I have talked the matter over and think it was held on the 26th, and that they went on the town site on the 27th.

By the CHAIRMAN:

Q. Did not they haul lumber on there on the 26th?—A. It was the 25th or the 26th that they held the meeting and it was the evening of the next day they went over.

Q. The testimony given by others is that they went down there on the 26th.—A. My recollection is that they went down there the evening after they held their meeting, and that the meeting was held on the evening of the 26th and the lumber was hauled over on the 27th.



*Testimony of B. B. Colburn.*

B. B. COLBURN sworn and examined.

By the CHAIRMAN:

Question. You are a surveyor here, are you not?—Answer. Yes, sir.

Q. State when you first made a survey and plat of this new town site across American Creek.—A. I commenced surveying the land in question on the 23d of February—that was Monday.

Q. Who sent you over there?—A. Several parties in town talked of wanting to take up this land for a town site.

Q. Who employed you to do the surveying?—A. I was not exactly employed.

Q. Were you paid for it?—A. I expect to be.

Q. Who were going to pay you for it?—A. The town site parties.

Q. You went over there at the request of somebody to make that survey, did you not?—A. Yes, sir.

Q. Who requested you to go?—A. It was these parties.

Q. Name them.—A. I think it was Mr. Green that spoke to me in regard to it.

Q. Who was Mr. Green?—A. A hardware dealer in town.

Q. He spoke to you on the 22d and you went over there on the 23d, or was it earlier than that that he spoke to you?—A. I could not give the date he spoke to me.

Q. But it was before the 23d?—A. Yes, sir.

Q. Had he sketched out a map at that time?—A. No, sir.

Q. You made your survey on the 23d?—A. Yes, sir.

Q. You first got your outlying lines; when did you survey the town lots?—A. I surveyed the town on the 25th or 26th; I could not say which.

Q. And the plat was made that day, was it not?—A. The plat was made that day.

Q. The 25th or 26th?—A. Yes, sir.

Q. Do you not know that on the 26th there was a plat of that town made on wrapping paper in Mr. Green's store here?—A. Yes, sir; there was previous to that. I made the plat probably on the 25th; it might possibly have been the 24th.

Q. Do you know when the lumber was hauled over there?—A. Yes, sir.

Q. When was it?—A. The morning of the 27th.

Q. Do you say no lumber was hauled over there on the 26th?—A. Yes, sir.

Q. Do you mean to say you know there was not?—A. Yes, sir.

Q. That you looked the whole ground over, and no one hauled lumber there on the 26th?—A. Yes, sir; these parties that have made statements contrary to that did not know exactly. I do not think they meant to swear falsely at all.

Q. Who hauled the first lumber over there?—A. I could not say who it was. I think it was Averacker, the drayman.

Q. Who was it taken for?—A. I could not say.

Q. You don't know who took it there or who it was taken for?—A. I do not remember particularly.

Q. Then how do you know when it was taken?—A. Because I saw it.

Q. But you do not know the man that took it?—A. I do not remember. I was very busy about that time.

Q. What were you busy about?—A. Surveying the town lots,

Q. That had been finished and platted the day before, had it not?—  
A. We had platted it. One-half of these towns on the Chicago, Milwaukee and Saint Paul road were platted in their office and sent out to us. I surveyed several towns for that railroad, transferring the plat from paper on to the ground.

Q. You were engaged then at this time in running the lines of the town?—A. Yes, sir; I was transferring the plat from paper on to the ground.

Q. When did the first load of lumber you saw arrive there?—A. It was along in the morning of the 27th.

Q. How early in the morning?—A. It was after 8 o'clock, but what time I could not say.

Q. That was before anybody here knew the reservation was open?—  
A. Yes, sir.

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*Testimony of John T. Stearns.*

JOHN T. STEARNS sworn and examined.

By the CHAIRMAN:

Question. A request has been made that you furnish from this pile of affidavits of settlers that has been placed in my hands an abstract giving the name of the settler, the character and size of his house, the amount of breaking done by him, and the cost of his improvements. Will you make up such an abstract and furnish it to the committee?—  
Answer. Yes, sir. (See Appendix, Exhibit H.)

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*Testimony of Samuel D. Hinman.*

SAMUEL D. HINMAN sworn and examined.

By the CHAIRMAN:

Question. What is your business?—Answer. Farmer.

Q. What had previously been your business?—A. Commissioner among the Indians.

Q. How long were you a commissioner among the Indians?—A. About twenty years.

Q. Where are you living now?—A. In Nebraska.

Q. Are you in the employ of the Settlers' Union in connection with this matter?—A. No, sir; I was in their employ in this trip I made to Washington.

Q. Were you present at the time of the negotiation of the treaty of 1868 with the Sioux Nation?—A. I was at Fort Rice.

Q. Where is Fort Rice in relation to Crow Creek Reservation?—A. It is about 200 miles above that reservation; perhaps more.

Q. Were you on the Crow Creek Reservation at that time?—A. We stopped there on the way up.

Q. How long?—A. The boat landed there. We did not remain very long.

Q. Was that the only time you were there?—A. That was the only time I was there that year.

Q. Had you been there previously?—A. Yes, sir; I went there with the Santees when they were moved from Minnesota.

Q. You were stationed there were you?—A. Yes, sir.

Q. How long?—A. I was there off and on as long as the Santees remained there; three years.

Q. Did you go away when they did?—A. Yes, sir.

Q. And the only time you were back was this time when the boat stopped there?—A. Yes, sir.

Q. If there are any facts you know in connection with the consummation of that treaty of 1868 we would be glad to hear them. I do not mean anything that is found in the records at Washington, but anything you saw or did there bearing upon the present inquiry that was not made a matter of record.—A. I was there as a special agent, at least that was the designation of the office I held, in charge of the delegation of Santees who went from Nebraska up to Fort Rice to attend the treaty convention. We stopped at different places along the river where there were Indians; among other places the boat landed at Crow Creek Agency. This was in July, 1868.

Q. State whether or not there were reservation buildings, agency buildings, there at the time.—A. Yes, sir; the agency buildings have been there continuously since 1863, except large additions have been made to them.

Q. Were they occupied at that time by an agent of the Government?—A. The Government agent was not there at that time, but I think he had been directed to go there.

Q. Were there some employés of the Government there?—A. No, sir; there were no employés. The Government at that time had only one agent, who was agent for all the Indians on the Upper Missouri River and resided at Yankton, but about that time he was ordered to take charge of these buildings.

Q. Before you went up there?—A. Yes, sir; he was not there, but some one was there in charge of the buildings. There were no Indians there at that time. At the treaty, the Yanktonais, so called—that is not their proper name—were represented, and the Two Kettle band also; both of which tribes have been represented as having an interest or title in this land here. The representatives of the Yanktonais and Two Kettles made requests of the commission; the Yanktonais asked for land on the James River, and the request, after some debate, was refused; the Two Kettles asked for land opposite the mouth of Cheyenne River and their request was refused. The Two Kettles afterwards changed their request and asked for land on the bank of Cheyenne River on the west side, which they took.

Q. Was not a band of Yanktonais represented that is not on the Crow Creek Reservation?—A. Yes, sir; there was a band not represented by any chief, but they were not living at Crow Creek; they were living on the James River, this country which they asked for.

Q. Do you know whether any Indians were on the Crow Creek Reservation at that time?—A. I did not see any. I understood there was not any.

Q. I am not asking you what you understood. You simply landed at the agency building?—A. Yes, sir; and we went up there. We did not see any Indians and it was generally understood that there were no Indians there.

Q. I am not asking for your understanding, I am asking for your knowledge?—A. I have no knowledge of any Indians being there.

By Mr. INGALLS:

Q. Have you any knowledge that they were not there?—A. Only that I saw none.

Q. At that particular point, but might there not have been Indians elsewhere on the reservation?—A. The reservation is very large.

Q. That is exactly what I wish to know, whether you have any knowledge that there were not Indians on the reservation at that time?—A. There might have been scattering Indians on the reservation.

Q. Might there not have been hundreds of Indians on that reservation at that time and you not know anything about it?—A. Yes, sir; there might have been thousands, but I mean there were no Indians seen there.

Q. At the agency?—A. Yes, sir; or agent either.

By the CHAIRMAN:

Q. Seen from the boat, do you mean, or did you go up to the agency?—A. Yes, sir; we did, and there was no evidence of Indian occupation on the reservation.

Q. You have told us now about these two tribes wanting reservations; now what other facts occurred at that time tending to throw light on the treaty?—A. These are the only two facts I can testify to from personal knowledge.

Q. Who was present at the time the treaty of 1868 was made?—A. General Sanborn, General Harney, and General Terry.

Q. Do you know whether, when that treaty was first written, the clause which reads in substance, "including all existing reservations on the east bank of the Missouri River," was in the draft as first made?—A. My recollection is that that was in the draft of the treaty when it came from Fort Laramie. It was partially signed at Fort Laramie.

Q. Were not those words interlined after the body of the treaty had been written?—A. I do not know.

Q. You do not know then how those words came to be written in there?—A. No, sir; I know this, there was no discussion on that subject at all during the treaty at Fort Rice.

Q. You don't know how those words came to be in the treaty, or who suggested or demanded that they should be inserted?—A. There was no demand whatever made for them.

Q. Do you not know that there was a demand made to General Sanborn that they should be put in?—A. I am talking of what occurred at the public council only.

Q. Do you know who wrote the treaty?—A. Senator Henderson wrote the treaty.

Q. How do you know?—A. He told me so himself.

Q. I am not asking for what Senator Henderson told you. Did you see the treaty written?—A. No, sir; the treaty was written when it was brought over here and had been partially signed at Fort Laramie. Senator Henderson has since told me that he wrote it.

Q. You did not see the treaty written?—A. No, sir; but I believe what he told me.

Q. You say it was partially signed at Fort Laramie. Do you mean by some of the tribes over there?—A. Yes, sir.

Q. And was then brought over to Fort Rice?—A. Yes, sir.

Q. General Sanborn was present there, was he not?—A. Yes, sir; he was chairman of the commission that was acting at Fort Rice.

Q. Who else was present there? What other commissioners?—A. I have told you that Generals Sanborn, Harney, and Terry were present.

Q. Did you stop at Crow Creek as you came down the river?—A. We did not,

Q. When were you there next?—A. At Crow Creek?

Q. Yes, sir.—A. About 1870.

Q. Two years afterwards?—A. Yes, sir.

Q. Was there an agent there then?—A. Yes, sir; Major Hanson was residing there.

Q. And there were Government buildings such as are usually at agencies?—A. Yes, sir; and a few Indians were there. The Indians were beginning to settle in there.

Q. What time in the year 1870 were you there?—A. It must have been in the fall, August or September.

Q. Major Hanson was also present at Fort Rice, was he not?—A. Yes, sir.

Q. Where does he reside now?—A. At Yankton, Dak.

By Mr. INGALLS:

Q. Were these bands now living at Crow Creek represented at the treaty at Fort Rice?—A. The Yanktonais were represented there.

By the CHAIRMAN:

Q. There are a great many bands of Yanktonais, are there not?—A. Not very many.

Q. How many?—A. They were formerly one band, Unkpapas; ever since they came down here they call themselves the Upper and Lower. The bulk of the tribe is at Standing Rock.

Q. You say some of them were represented at Fort Rice?—A. The Yanktonais were represented.

Q. They had previously lived where?—A. On the James River, east of the Missouri.

By Mr. JONES:

Q. Did you go ashore from the boat at Crow Creek when you went up to Fort Rice in 1868?—A. Yes, sir.

Q. How long did the boat remain there?—A. About an hour or such a matter.

Q. Were you around the buildings?—A. Yes, sir; I had formerly lived there, and I went up to see how the place looked.

Q. How many persons did you see around there?—A. I think there was somebody in charge, and perhaps one or two other white men, may be three.

I desire to present to the committee a number of documents in relation to this so-called Winnebago and Crow Creek Reservation, and ask that they be made a part of my testimony. (See Appendix, Exhibit I.)

SENATOR HARRISON.

Senator HARRISON spoke as follows:

We understand that there are a large number of settlers present ready to give testimony, but, as I said in the beginning, this committee did not come here for the purpose of examining every settler; that would make an enormous volume and would probably receive less attention than to select specimen cases, here and there, for the purpose of getting at the general character of the improvements, the motives of the settlers in going on the reservation, &c. Now, unless there is some special matter you desire to call to our attention, the opinion of the committee is, that it would not be valuable to take more testimony, as it would be merely cumulative, and if you are satisfied with the selection of witnesses that has been made, we will adjourn. I want you all



to understand that the settler not called to testify about his claim is not at any disadvantage at all; the settlers that have testified speak for him. As I said to you in the beginning, if this question should assume such an attitude that the Government felt it ought to pay you for your losses, then a commission would have to come here and make an inquiry as to the loss in every individual case with a view to compensation. That is not our purpose here at all. We simply have to do with the general questions affecting the reservation, whether there should be any reduction in its size, &c. The settlers, therefore, who have not been called as witnesses must not feel that they are in any worse position than if their testimony had been taken, for they are in the same position as if we had examined every one of them. The committee wants to know everything of value in connection with the work assigned to them, and if there is any special matter that has not been brought out in the testimony we will hear it now; if not, we will close the formal taking of testimony.

Mr. G. R. OWEN. We are pleased to meet the committee and I want to say to the settlers present, that from what I have seen of these gentlemen they are fairminded men and mean to do the best they can in the premises. I would like to say to the honorable Senators that we desire this matter settled quietly and peaceably, and that we be put to as little trouble as possible. We are sorry that you could not have seen this end of the reservation in daylight, but we are glad to have met you and leave the question in your hands, feeling sure that you will do what is just and right in the premises.

Senator HARRISON. We are very much obliged to the representative of the settlers for his kind words. We came here to try to get at the truth in relation to some questions which seemed to be in dispute, and think we have taken sufficient evidence to enable us to make to the full committee at Washington a fair statement of the situation of things here. We are glad to have met you, and while I have no right to say for myself, or anyone else, what our conclusion will be, or what shape legislation may take in this matter, I will say in general words that there is every disposition to deal liberally and kindly with those settlers on the frontier who are braving the hardships of frontier life in an effort to better their fortunes, and I hope that some measure will be adopted that will result in restoring any losses, at least, that may have been suffered by the settlers in consequence of the differences between the two Executives as to the construction of the law in relation to this reservation. There are two ways in which that can be done, either by reducing the reservation and confirming the title of the settlers that have taken claims, or if that cannot be done, then the question of compensation will be presented to Congress. There are a great many minds that have to be brought to a concurrence before a law can pass Congress, and a bill often fails, even when a majority in both Houses is in favor of the measure, for the reason that the rules are such that it cannot be reached in time to be acted upon. My counsel would be, to those interested here, to obey the President's proclamation and trust to Congress to do what is just and right in the premises.

I desire to say further that I was furnished before leaving home, by the secretary of the Indian Rights' Association, with a copy of a proposed amendment to the Dawes bill, to the effect that any settler who should be upon the land thrown out by that bill, or any other bill that may be adopted, and obeyed President Cleveland's proclamation, leaving his claim as he was commanded to do, shall not be placed at a disadvantage, but that some arrangement shall be made so that such

settlers can secure their claims. I only mention this fact to show you that those gentlemen in the East who you sometimes think are too friendly to the Indians, and not friendly enough to you, have proposed an amendment of that character, and it will be presented to the full committee when we assemble.

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*Testimony of Henry E. Gregory.*

LOWER BRULÉ AGENCY, July 20, 1885.

HENRY E. GREGORY, being duly sworn, made the following statement:

My name is Henry E. Gregory; am clerk in charge of the Lower Brulé Agency. I was present at the treaty of 1868, made at Fort Rice with the Sioux Indians, in the capacity of post trader. I held an appointment in the army and think it was then called trader; I had the post store. I was present at all the councils when the treaty was discussed. At that time there were buildings at the Crow Creek Agency and the agent, Maj. Joseph R. Hanson, resided there. I could not tell how many Indians were there; there were only a few. To the best of my recollection when the treaty was first read the clause relating to the existing reservations east of the Missouri River was not embraced within its terms. I do not recollect who was the acting president of the commission, but do remember that General John B. Sanborn, General Alfred H. Terry, and General William S. Harney were there. The Yanktonais were represented in the councils by Two Bears. They were then living on the east side of the Missouri River below Fort Rice in the vicinity of Fort Randall. I do not know where the Indians now at Crow Creek Agency were located at that time; there may be some there now that were there then. When the treaty was first read my recollection is that Major Hanson was very anxious to have the reservations fixed in the treaty. It was not a reservation then by treaty and he wanted the boundaries fixed. The agency at Crow Creek was then called the Upper Missouri River Agency. That name was given it after the Santees and Winnebagoes left. Before that it was known as the Santee and Winnebago Reservation and there has been an agency of that name ever since I have been on the Missouri River. I first heard of it in 1860; there was an agent at that time, but he did not reside there; he came up once per year. After the discussion and before the treaty was signed the clause as to the existing reservations east of the Missouri River was put in. On a trip up to Fort Rice in 1865, I stopped at Crow Creek Agency and Major Hanson was there then, and when I went down the river in the fall of 1866 I saw him there again. I stopped with him at that time; there were buildings there and he had his home there. I do not know whether there were any Indians there or whether he was distributing rations at that time.

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*Testimony of John B. Sanborn.*

SAINT PAUL, MINN., July 23, 1885.

General JOHN B. SANBORN sworn and examined.

By the CHAIRMAN:

Question. You reside at Saint Paul?—Answer. I do.

Q. State whether you were one of the commissioners on the part of

the Government that negotiated the treaty of 1868, with the Indians at Fort Rice and Fort Laramie.—A. I was.

Q. State whether the whole commission were together at Fort Rice or only a portion of the members.—A. Only a portion.

Q. State, if you recollect, which of the commissioners were there.—A. General William S. Harney, General Alfred H. Terry, and myself were the commissioners present at Fort Rice at the time the Indian chiefs and headmen signed the treaty there.

Q. State whether you were acting as president of that section or subdivision of the commission that was there at Fort Rice.—A. I was. I will state that in the absence of Mr. M. B. Taylor, the Commissioner of Indian Affairs, who was president of the commission, I had all the time acted as president *pro tempore*.

Q. State whether or not the words—I do not quote them exactly but in substance—"including all existing reservations on the east bank of the Missouri River," were in the original draft of the treaty, and if not, when and by whom were they inserted?—A. They were not in the treaty as it was drafted and executed by the chiefs and headmen of the Ogalallas and so many of the Minneconjous as signed the treaty at Fort Laramie. The words were inserted in the treaty at Fort Rice by the commissioners representing the Government there.

Q. Please state your recollection of the circumstances under which those words came to be inserted in the treaty.—A. I will state as briefly as I can. The questions that arose between the commissioners and the representatives of the various bands of Sioux Indians represented at Fort Rice were very complex and difficult of solution. Among others which were difficult to adjust was the attempt to remove all the bands of Sioux which inhabited in the vicinity of, and on the east side of the Missouri River to the west side. It was the desire of the Government, expressed in our instructions, that those Indians should be removed to the west side of the river, and I am not certain but what it was referred to in the act of Congress under which we were acting. I do not remember the precise terms of the act. Among other Indians that were adverse to such removal was the Yanktonai band, represented at the council by their chief Two Bears, and a large number of friendly Indians that inhabited a tract of country near the mouth of the Cheyenne, if I recollect right, represented by a chief named Long Mandan, and a chief whose name I have forgotten represented the Two Kettle Indians, a sub-band of the Brulé band of Indians, who were living upon this Crow Creek Reservation. All of these chiefs demanded that, for the time being, at any rate, they be permitted to remain on the east bank of the Missouri River, because they were friendly, and if removed to the west side of the river they would be involved in wars then being carried on by the Sioux west of the river. They also said they had never lived on the west side of the river and were opposed to going. Two Bears, representing the Yanktonais, insisted very strongly that he should have a reservation on the east bank of the river, as I recollect it, near the mouth of the Cannon Ball River, or Grand River Agency, as afterwards termed. At the same time the Indian agent, Hanson, who was stationed at the Crow Creek Reservation, and issued the supplies to the Two Kettle Indians and to such of the friendly Sioux as were across the river and would come over and receive supplies, stated that there was a doubt expressed down there among the whites as to whether that was a legal Indian reservation, and he could not keep the whites off the reservation, and was constantly annoyed with their attempts to sell liquor to the Indians, which he could not prevent in the

shape things were. I think he stated that he had recommended the Government to abandon the agency at Crow Creek and remove it somewhere else. He had the Government supplies and Government storehouse there. We visited him on our way up the river, took him on board and he was at Fort Rice at this time. The result of all this controversy was, the Indians still insisting that they must not be required to go over the river at once, that we yielded so far as not to abrogate any treaty rights they had on the east side of the Missouri River as to reservations or anything else, and they were to yield to the Government all their hunting ground, their rights to rations and to hunt, and if they had treaty rights on the east bank of the river, their rights, so far as this treaty was concerned, should be reserved until Congress or the proper Department of the Government should decide otherwise. That in my mind at the time included the Yankton Reservation and this Crow Creek Reservation, although it was set off originally; part of it for the Winnebagoes and part of it for the Santees. I think that was the reason it was not called the Sioux Reservation. I recollect distinctly that the term to be used was a matter of a good deal of deliberation and discussion by the three commissioners there. I suggested at one time the words "all Indian reservations on the east bank of the river," and I think General Terry said that would be too broad; that it extended a reservation of Indians we had nothing to do with and we could not affect them. My recollection is that the words adopted, and the words afterwards inserted in the treaty were formulated by him, viz: "All existing reservations on the east bank of the river."

Q. What reservations were there on the east bank of the river?—A. There were none except the Crow Creek Reservation and the Yankton Reservation abutting on the river. Long Mandan thought he was entitled to some rights at the point he was living, above Fort Sully, but was willing to take a reservation at the mouth of the Cheyenne on the west bank. There was in fact, as the commissioners understood it, no Indian reservation at the point where he was living with his people.

Q. I understand you to say that Mr. Hanson, the Indian agent, desired the insertion of some such words as were finally used to protect himself at Crow Creek Agency.—A. Yes, sir; those words were inserted at his request according to my best recollection, but in any event it was our purpose to extend the trade and intercourse laws over the Crow Creek Reservation.

Q. And that you supposed you were doing by the use of those words in this treaty which you have spoken of?—A. I did. After a careful consideration of some length of time by the commissioners as to the precise words that should be used, the abandonment of some and adoption of others, these words were at last adopted.

Q. Agent Hanson suggested, as I understand you, that the trouble he anticipated or was having at Crow Creek, grew out of the fact that some of the settlers challenged in some way the legality of the title of the Indians.—A. Yes, sir; although it was a reservation *de facto* they doubted whether it had been legally set apart so as to sever the land from the main body of the public domain.

Q. And your purpose was to settle that?—A. Yes, sir; until such time as Congress should deem proper to modify it. I stated to the Indians specifically what our intentions were and the desire of the Government that they should all go west of the river. I stated that to the Yanktons, who were represented by an old Indian called Strike-the-Rea, as sagacious a chief as I ever saw, and they were perfectly persistent



upon remaining where they were, east of the river, and would not yield a point. That band did not sign the treaty as I recollect it. The Yanktons were not a party to the treaty.

Q. What band was that?—A. The Yankton band on the reservation opposite Fort Randall, and on the east side of the river now.

By Mr. INGALLS.

Q. What bands of Sioux Indians were living east of the river at that time and on the east bank of the river?—A. The Yankton band, their reservation being above the town of Yankton and nearly opposite Fort Randall. The Two Kettle band, being a sub-band of the Brulé band of Sioux, located at the Crow Creek Reservation and living right about the government agency there called Fort Thompson, and the Yanktonai band, which was a band still subsisting by the chase and living north of Fort Sully.

By the CHAIRMAN:

Q. Do you know whether that Two Kettle band was divided?—A. The Two Kettle band was a small band of the Brulés and was divided from the Brulé band. The western bands of Sioux at that time were as follows: On the river commencing south, first, the Brulés, second, the Blackfoot band of Sioux and the Minneconjous, and west of them the Ogalallás and Unkpapas. All these Indians taken together are known as Tetons, as distinct from the Sissetons, which include all the Indians east of the Missouri River. I will state that we were under instructions at that time—received by telegraph some month or two after we left Washington, in response to a report of our difficulties in negotiating a satisfactory treaty with the Sioux Nation—to conclude a treaty on the best terms we could that would result in temporary peace. That dispatch was received by General Sherman at Fort Laramie, and the reason given for it was—I forget what officers of the Government signed it at Washington—that a war at that time would interfere with contemplated operations of the Treasury, which was considered of paramount importance.

Q. I believe you have given us your recollection of the matters bearing directly upon the question as to how those words in relation to the reservations on the east side of the river came to be inserted in the treaty of 1868. If you desire to state anything else on that subject the committee would be glad to hear it.—A. In order to clear up a point I will state that there was some question among the commissioners in reference to the propriety of introducing these particular words. After the treaty had been signed by the Ogalallas and Unkpapas at Fort Laramie on the 19th day of April we ascertained that quite a large number of the chiefs who signed at Fort Laramie were present at Fort Rice. They were called into consultation and assented to the introduction of the words in reference to the reservations east of the river. Their introduction was insisted upon and we could not have closed the treaty with the Yanktonais, the Two Kettle band, and other chiefs there without inserting them.

By Mr. INGALLS:

Q. Do you know what Indians are now on the Crow Creek Reservation?—A. I do not personally.

Q. What is your information about it?—A. My information has been that those same Indians that were there then have made it their home since, but that is mere rumor. I have not read the last annual report of the Commissioner of Indian Affairs.



Q. Are the Indians now on the reservation the same Indians that were there when the treaty was made?—A. That is my understanding, but I have no direct and positive knowledge of that fact.

Q. From such information as you possess, and such as you have received, is it your understanding and impression that the Indians now on the Crow Creek Reservation are the ones that were there when the treaty of 1868 was made?—A. Yes, sir; that is my understanding.

By the CHAIRMAN:

Q. Was it in contemplation by Agent Hanson and the commissioners that the Crow Creek Agency should be continued—that that should be a point of distribution?—A. It was not for any great length of time.

Q. Agent Hanson did not know how long he might be kept there; he wanted to get away, but the Government would not allow him to go.—A. As I understood it then, and understand it now, Mr. Hanson in his report the preceding winter asked that that agency might be abandoned and established somewhere else, but it had not been abandoned and as there was no telling how long it would be kept there, we concluded to leave the question wholly to the discretion of the Senate, as they could strike out this provision in reference to the reservations east of the river, if they desired, before ratifying the treaty, and then a further effort could be made to get the Indians to yield the point. It was never understood, I think, by either of the commissioners that that reservation was to remain for all time as a part of what was known as the Great Sioux Reservation, but as soon as matters reached a point when it could be abandoned without detriment to the Indian service these reservations east of the river would be abandoned.

Q. But you intended that new negotiations should be opened with the Indians to accomplish that?—A. Yes, sir; or action by Congress to which the Indians should assent.

By Mr. JONES:

Q. You are clear in your mind now that what are called the Winnebago and Crow Creek Reservations lying there together east of the Missouri River were intended to be included in the treaty by the commissioners in the words "all existing reservations on the east bank of said river"?—A. I have taxed my memory to the utmost on that point and I can come to no other conclusion. My recollection is very distinct that they were the reservations, and the only reservations meant to be covered by those words.

Q. You are positive that Agent Hanson then resided at, and was in charge of, the post at Fort Thompson?—A. Yes, sir; and the Government had a large amount of supplies there, and issued supplies to the Indians from that point. It was occupied by the United States, and I am informed has been from that day to this, which was contrary to our expectation. I might say we expected it to be abandoned in a few years.

## TESTIMONY CONCERNING THE CROW RESERVATION, MONTANA.

CROW AGENCY, MONT., *July 27, 1885.*

The following Indians were examined through Thomas Stewart, the agency interpreter, at the office of Maj. Henry J. Armstrong, the Indian agent, before the council was convened:

*Testimony of Bull Nose.*

BULL NOSE examined.

By the CHAIRMAN:

Question. How many lodges have you in your band?—Answer. Fourteen.

Q. Where are you living? On what part of the reservation?—A. Here, just aside of the sand hill.

Q. Are any of your band doing any farming—raising any crops?—A. Yes, some above me and some below me.

Q. What crops do you raise?—A. Potatoes, squash, turnips, carrots, beets, onions, watermelons, red beets, pumpkins, and little white squash.

Q. Have you raised any wheat this year?—A. Yes, of course.

Q. Is this the first year you have cultivated the ground where you now live?—A. We began last summer.

Q. Did you sign this lease of part of your land to Messrs. Blake & Wilson?—A. I do not remember it.

Q. State what your wishes are, what you think would be best for you people, to lease the lands to the cattlemen or not to do so.—A. I would rather not talk about that until our people are assembled in council.

Q. State whether your band have taken separate allotments, that is, whether they have located on separate farms.—A. There are four Indians out of my band that have farms.

Q. Do you not think that all of your band had better take separate allotments?—A. They all want to do it.

Q. Then why do they not select their land?—A. The reason of it is because there is no ground plowed for them. They have cut lots of logs, but they have not had the ground pointed out to them.

Q. I understand you to say that all of your band is willing to go to farming if the Government will help them.—A. Yes; I am old and my arms are not very strong, but I would not leave my place to go any place.

Q. Do you have to have ditches where you live to irrigate your crops in order to raise anything?—A. It would be good to have both rain and ditches.

Q. Have you any ditch on your land?—A. No.

Q. Do you think the Crows generally would be willing to take separate allotments and go to farming if the Government would help them to open their farms?—A. They all want to.

Q. Has your band built any houses?—A. Three.

*Testimony of Crazy Sister-in-law.*

CRAZY SISTER-IN-LAW examined.

By the CHAIRMAN:

Question. How many lodges are there in your band?—Answer. Eleven.

Q. Where are you located?—A. There are six lodges near here and I have two houses.

Q. Are you farming any land?—A. Yes; four years ago.

Q. Have you lived in the same place for four years?—A. I have four farms.

Q. Did you come to your present location when the agency was moved here?—A. Yes.

Q. Have you any ditches on your farms or do you trust to the rains?—A. I have no ditches. I have to wait for rain.

Q. Has it rained enough for your crop this year?—A. When it does rain the crop grows and it makes it feel good.

Q. State whether you have had enough rain this year.—A. It has not rained for a long time and my crop is all wilted down.

Q. If the Government would help you make ditches and start your crops, do you think your tribe would all be willing to settle on separate allotments and go to farming?—A. They would all like it well.

Q. Would they be willing to have their reservation reduced, give up some of their land, if the Government would furnish them agricultural implements, make ditches for them, &c.?—A. We are poor and our lands are small. I think it would be bad.

Q. What use can you make of these great stretches of upland on the reservation which you cannot farm?—A. We get coal out of it and wood in the low lands. We want our land to cut grass off of.

Q. Suppose the Government left you plenty of timber land and low land to farm on and raise grass, would there not still be a large part of the reservation that you could not use?—A. Hold on; wait until we get together in council.

Q. We did not come here to make any treaty with you or about your land, but we came to talk with you and find out what your minds were.—A. Yes.

By Mr. INGALLS:

Q. Give the boundaries of your reservation as you understand it.—A. My country extends from the channel of Boulder Creek to the mountains, and along the mountain edges straight down to Tongue River I think.

*Testimony of Takes Wrinkles.*

TAKES WRINKLES examined.

By the CHAIRMAN:

Question. Where is your band located, and how many lodges have you?—Answer. Below Fort Custer, where those houses are.

Q. Where we saw those log-houses along the river?—A. Yes.

Q. How many houses have you there, and who built them?—A. There are thirty houses and we built them with our arms.

Q. Has the Government given you any farming tools or any cattle?—A. They gave me some cattle, but not any tools.

Q. Has your band farmed any?—A. Five of them are farming and they all want to farm.

Q. Would they be willing to go on adjoining quarter sections of land where they are now located?—A. That is what we want to do. We want everything the white man has, so we can work.

Q. Then each one of your band would be willing to go on adjoining quarter sections of land and make farms if they had some help from the Government?—A. Yes.

Q. Do you think you would know how to use the water if the Government would build ditches for you?—A. I guess I would know.

Q. Has your band any plows or farming implements?—A. No.

Q. Have you any hoes?—A. None.

Q. Did the agent give you a wagon?—A. Yes, one.

Q. How do you cultivate your fields without any hoes or plows?—A. We have bought a few big hoes and work with it.

Q. What do you mean by big hoes—plows?—A. I have had some hoes in my camp for quite awhile and we will buy some more next spring.

Q. (To the interpreter.) When he says he has hoes, does he understand what we do by that?

The INTERPRETER. Yes, sir.

Q. (To Takes Wrinkles.) Do I understand you to say that you have no plow in your band?—A. No.

Q. How many ponies have you in your band?—A. I could not tell you; there are a heap of them.

Q. You have plenty of ponies, so that every lodge would have enough to do their farming if they had plows?—A. Yes.

Q. Have the vegetables and grain you have planted this year grown well? Has there been enough rain?—A. They do not grow well. If there was a ditch there they would grow good.

### *Testimony of Old Nest.*

OLD NEST examined.

By the CHAIRMAN:

Question. How many lodges are there in your band and where are they located?—Answer. Eight with myself. All above here on the Little Big Horn.

Q. Have they been doing any farming?—A. Two of the band have been farming.

Q. Have they raised any wheat?—A. Yes.

Q. State whether your band would be willing to take separate allotments of land here in the valley of the Little Big Horn if the Government would give you some farming utensils and help make a ditch for you.—A. Yes; they all want to; that is what we have been asking for.

Q. If the Government would send men out here to lay out ditches for you and show you how to make them, do you think the Indians would be willing to dig the ditches?—A. I do not know. When we get together in council then we will say. The chiefs are not all in yet.

Q. Have you any plows or other farming utensils?—A. We have hoes and plows both.

Q. Did you buy them or did the Government give them to you?—A. They were given to me by the agent.

Q. How many plows have you in your band?—A. Two.

Q. Have you a wagon?—A. Yes.

## COUNCIL WITH THE INDIANS.

The committee being notified that the Indians had assembled, they entered the council room and a council was held, Thomas Stewart acting as interpreter.

The CHAIRMAN (to the interpreter). Say to the Indians that there are present here this morning three members of the great council at Washington that have come to have a friendly talk with them. The Great Father at Washington heard they had made a lease of some of their lands to cattlemen and that some of them now thought the lease was not good and wanted it stopped and we came here to find out what their mind was about it, and see what was good for them. Say to them that the Great Father at Washington wants to help them to become farmers and live like white men; that the buffalo and other game is all gone, and there is nothing for them to do but settle upon farms and cultivate them; that we want to hear from them what help they need in order to do this and whether they are willing to do it; that we will give those chiefs they may select to speak to us an opportunity now to tell us what they think about these things.

*Statement of Crazy Head.*

CRAZY HEAD spoke as follows:

My country is small. It extends from the Boulder around the foot of the mountains to Tongue River. This grass [showing a small bunch of grass] grows every spring out of the ground and our ponies eat it. Other things grow in the ground that we eat. I do not want to sell the ground or give it away. We want everything to work with that the Great Father will give us. We have all our ground staked out in places where the ground is good, and when we get something to work with we want to go on the ground we have picked out. Do not ask me for my land, for I do not want to let it go. See that ground and grass [pointing down the valley]; I do not want nothing for it; I do not want to part with it.

By the CHAIRMAN:

Question. Did you sign the lease to the cattlemen?—Answer. We all signed it. We did not know. We were not told right.

Q. Do you want to lease any of your land to the cattlemen or do you want to keep it all?—A. I have said all I have got to say. I have not anything more to talk about.

*Statement of Two Belly.*

TWO BELLY spoke as follows:

I would like to shake hands with you all, but I cannot get around. Our land is small and we do not want to part with it. I know all of my country, and we have our land picked out to farm. When the Great Father gives us what he is going to give us we want to go to the places we have picked out and farm.

By the CHAIRMAN:

Question. What do you want to do with the balance of the land when you go on these farms?—Answer. The land belongs to me, it is mine. I do not want to let it go. Last fall we were fooled when we signed that lease. We do not want the lease no more.



*Statement of Pretty Eagle.*

PRETTY EAGLE spoke as follows:

We have a small piece of land and do not want to let it go.

By the CHAIRMAN:

Question. We did not come here to make any treaty with you or take any of your land, but simply to talk with you and see what your people wanted.—Answer. From the channel of Bowlder Creek to the mountains and along the foot of the mountains to Tongue River we call our land.

Q. Do you think it would be best for your people to take separate allotments of land and go to farming?—A. We have our ground picked out where we want to go to work when the Great Father gives us everything to farm with. That is all I have to say about my country.

Q. What do you think about the lease you made to the cattlemen? Do you want it now or do you want it stopped?—A. I do not want to talk about it; do not want it.

*Statement of Deaf Bull.*

DEAF BULL spoke as follows:

The headmen have talked. We have got the land and we do not want it to go. We want to keep it until we die. That is all I have got to say. [The interpreter says that Deaf Bull refers to the lease.]

The CHAIRMAN (to the interpreter). Ask all the Indians whether they want that lease now or want it stopped.

(No response.)

The CHAIRMAN (to the interpreter). Say to them that if anybody wants the lease, for him to stand up or hold up his hand.

(No response.)

Senator JONES (to the interpreter). Tell all those that want the lease stopped to hold up their right hand.

(All the Indians present held up their right hand, standing on their feet.)

The CHAIRMAN. We want to say to you all in parting that we would like you to select separate farms, send your children to school, and learn the white man's ways, and we will try in the Great Council at Washington to do that which is good for you. You must raise your own grain and vegetables and send your children to school. You will then be able to deal with white men and not be imposed upon. The Great Father wants you to send your children to school so that the white people cannot cheat you when you have ponies, grain, or wood to sell.

*Statement of White Bull.*

WHITE BULL spoke as follows:

I send my children to school, but I am not favored any. I have not got anything.

The CHAIRMAN. If you do not get anything in the way of presents your children will know more and get along better in the world.

We desire to say in parting that we give you our good wishes, leave you as friends, and will do what we can for you if you will do your part. We will try and have some ditches made for you so you can get water for your farms.

The council here adjourned and the taking of testimony resumed.

*Testimony of Henry J. Armstrong.*

HENRY J. ARMSTRONG examined.

By the CHAIRMAN :

Question. You are the agent in charge of the Crow Reservation, are you?—Answer. Yes, sir.

Q. How long has the agency been located at its present location on the Little Big Horn River?—A. I arrived in this valley a year ago last April, but did not move the agency here until last September. I arrived with about one third of the Crow tribe a year ago last April.

Q. Had any of the tribe been living in this valley prior to that time?—A. No, sir; but a few had selected their lands here and declared they would not live anywhere else.

Q. At that time there had been no definite allotments of land to Indians in this vicinity?—A. No, sir.

Q. Where do the bulk of the Crow tribe live now?—A. All of the bands are represented in this valley above here and on the Big Horn, above Fort Custer. The bulk of the tribe are in these valleys.

Q. In the valleys of the Little Horn and Big Horn?—A. Yes, sir. Some Indians have taken locations below Fort Custer, on the Big Horn, and some are on Pryor Creek 60 miles west.

Q. How many acres of land are there in the reservation?—A. Four million and a half acres.

Q. How many Indians are there?—A. Thirty-four hundred.

Q. Representing how many families?—A. Five hundred and fifty families are on our ration vouchers, and there are a few lodges where they have two small families in a lodge.

Q. Do you think there are as many as six hundred families in all?—A. Yes, sir; I should say six hundred families.

Q. How do you find the Crows? Are they a tractable people, easily governed? Do they adopt your suggestions readily?—A. They do, as well as could be expected of any savage people. Of course they are worse than children, that is, they are more dangerous than children; but so far as their knowledge of what they need goes, they are really children. I have a little trouble once in awhile, but it blows over in a short time, and, generally speaking, I could not ask them to be any better than they are, except in relation to sending their children to school.

Q. You have given the total number of acres in the reservation. Now, how much land is there in the reservation that is susceptible of profitable cultivation either with or without irrigation?—A. I could not give an accurate estimate of the number of acres of arable land in the reservation.

Q. Describe the valleys to us. The arable land is found wholly in the valleys, is it not?—A. Yes, sir; the valleys of the Little Big Horn, Big Horn, the valley on the south side of the Yellowstone, and the valleys of Pryor Creek and Clark's Fork are the only valley lands in the reservation of any consequence.

Q. You say you cannot approximate the number of acres of arable land?—A. The proportion is very small compared with the total number of acres.

Q. Take the valley of the Little Horn from Fort Custer up. How many miles is there in that valley?—A. There is about 50 miles of this valley.

Q. What is the width of the valley?—A. It will average half a mile, perhaps.

Q. Take the valley of the Big Horn below Fort Custer. How many miles is there in that valley?—A. About 35 miles.

Q. And about what is the width of the bottom land?—A. It will average a mile and a half, I think, in width.

Q. Then, above Fort Custer on the Big Horn?—A. There is about 24 miles in that valley.

Q. And about what width?—A. That valley will average 2 miles in width.

Q. Now, going to the Yellowstone, what is the size of the valley there on the south side of the river?—A. I do not know about that, except from Custer Station on the Northern Pacific Railroad at the mouth of the Big Horn, up to the town of Billings, and in the vicinity of the old agency. There are some fine bottom lands along there.

Q. What do you know about the length of the valleys there and their width?—A. There are bottoms along there of considerable extent, varying from half a mile to 1 and 2 miles in width. In other places the bluff comes right up to the river for quite a distance.

Q. I have mentioned two other creeks, I believe?—A. Yes, sir; I have never seen Pryor Creek, however.

Q. Do you know by reports the amount of valley land there is along that creek?—A. No, sir; I could not tell you. There is some fine land there, but not a great deal.

Q. Well, in regard to the other creek you have mentioned?—A. Clark's Fork. That is a fine valley.

Q. Of about what extent?—A. That extends from the Yellowstone River through to the Wyoming line diagonally, which would make it as much as 50 miles long.

Q. What is the width of the valley?—A. I do not think it averages more than half a mile in width, although there are places that are wider.

Q. State whether or not there is, in your opinion, sufficient arable land on the reservation, such as we have been speaking of, to give allotments to all the Indians?—A. Yes, sir; much more than enough.

Q. When you speak of an allotment you mean a quarter of a section to each head of a family and 80 acres to each other member of the family?—A. Yes, sir; those are the terms of the treaty, but I do not know whether the Government means to carry out that treaty or not.

Q. That is what I am speaking of, the treaty, the law under which we are operating now. In reference to the character of these lands, what is your opinion as to whether they can be successfully used for agricultural purposes without irrigation?—A. Last season was as fine a summer as we could wish, but this season it did not rain until the last week in May, and one-third of our potatoes in our potato-patch here dried in the sand for lack of rain. I do not think it would be safe for white people to try to cultivate the land here without irrigation.

Q. And it would be more discouraging to Indians who might try to cultivate it?—A. Yes, sir.

Q. Then your opinion is that if the Government should undertake to set the Indians to farming, it can only be done by providing the necessary irrigation?—A. Yes, sir.

Q. Can that be done at a moderate expense in those valleys you have spoken of?—A. Yes, sir.

Q. Have you any idea as to what it would cost to ditch the valley of the Little Big Horn?—A. Under instructions from the Department, which I asked for, I prepared an estimate of the cost of irrigating ditches for the valleys of the Little Big Horn and Big Horn Rivers above Fort Custer.

By Mr. INGALLS:

Q. How many miles?—A. Fifty miles in this valley and 24 miles in the valley of the Big Horn, and we now have 38 miles of ditch located and the work estimated for.

By the CHAIRMAN:

Q. That is in the valleys of the Little Big Horn and Big Horn?—A. Yes, sir.

Q. How much in the valley of the Little Big Horn?—A. Fourteen miles in this valley. A considerable portion of the valley of the Little Big Horn cannot be reached with irrigating ditches, and the people will have to depend on wheels to raise the water. There is more moisture at the upper part of the valley, so that irrigation is not needed so much.

By Mr. INGALLS:

Q. How much is it to cost per mile?—A. \$58,000 is the amount of work we have estimated for.

Q. Fifty-eight thousand dollars for how many miles?—A. Thirty-eight miles of ditch.

Q. What sized ditch have you estimated for?—A. The ditch just now being completed is 8 feet wide on the bottom for two-thirds of the distance and 6 feet wide for the balance.

By Mr. JONES:

Q. Is it a completed ditch?—A. It is nearly completed now. The ditch we are now working at will water 4,500 acres of land.

By Mr. INGALLS:

Q. How many miles of ditching will supply 4,500 acres of land?—A. Eight miles.

By the CHAIRMAN:

Q. What is the width of the ditch at the top?—A. The slope is 1 to 1. For each foot up it slopes out 1 foot; for instance, where the cut is 2 feet deep it will be 4 feet wider at the top than at the bottom.

Q. What would be the average depth of the ditch?—A. Two feet.

By Mr. JONES:

Q. Where is that ditch?—A. Just above here on the next bottom.

By the CHAIRMAN:

Q. Out of what funds have you constructed that ditch?—A. There is a separate appropriation made for irrigating ditches, although this work ought all be done out of moneys due the Indians.

Q. You have no ditch that has been filled yet or put to any use?—A. Not any.

Q. Do you think the Indians will understand the use of the ditches and care properly for them without some instructions?—A. Well, I will, of course, have to superintend it with my employés. The Indians would think that if a little water was good more would be better, and they would give the land too much water. I will have to control that by locks on my side water-gates. It is to be supposed that the Government will give the agent a sufficient force of employés to attend to all such matters.

By Mr. INGALLS:

Q. Will the Little Big Horn have sufficient water to supply this ditch at all times?—A. Yes, sir; in abundance.



By the CHAIRMAN:

Q. How is it to be drawn out?—A. Directly from the bed of the stream on the Little Big Horn and from Grass Lodge Creek to irrigate the upper part of the valley of the Little Big Horn through two dams at the Big Horn Valley, taking all the water from two creeks, viz, Soap Creek and Rotten Grass Creek.

Q. Then you do not take the water directly from the Big Horn?—A. No, sir; out of these two tributaries.

Q. What disposition have the Crows shown in regard to taking up their allotments and cultivating them? They expressed themselves this morning as being very willing to do it. Has that been your observation?—A. Yes, sir; they are perfectly willing. We have had no difficulty in setting families down where we wanted them, except Take Wrinkle's band below Fort Custer, and we can handle them as we did the others if we could have sufficient men so we could send a force down there to work with them.

Q. Have any of the Indians raised crops this year?—A. Yes, sir.

Q. State briefly what success they have had and what amount of work has been done by them.—A. This summer we have 165 separate parcels of land in cultivation, supposed to be 5-acre lots, 113 of which were broken last year and the rest this season. Only a few of these 5-acre lots are entirely planted, however (probably one-fourth of them), owing to the fact that we have not enough seed and not enough white farmers to see that the planting was properly done. If I could have had two more men allowed me for outdoor work this season I could have gotten five times as much work out of the Crow people. The five-acre lots will average more than half in cultivation.

By Mr. INGALLS:

Q. How many white employes have you at the agency and on the reservation?—A. Eighteen men in all, including clerks, physician, teacher, interpreter, &c. Only five of these are, properly speaking, expected to give all their time to the instruction of the Indians, but several of the others work with the Indians all the time they can be spared from the regular duties of their respective positions. The five men who are expected to give all their time to farm-work are frequently called on to perform other service.

Q. What are the avocations of your employes?—A. I have a clerk, physician, issue clerk, three farmers, a carpenter, a blacksmith, one teacher, one miller, two laborers, three herders, and a butcher. That is all, I think.

Q. You have an agency herd?—A. We have a beef herd, but no stock herd. Those are issued to such individual Indians as live in houses. I do not expect to remain here long myself, but whoever is agent should have at least twenty men for outdoor work from April to November.

Q. Practical farmers?—A. Yes, sir; men that can go with these Indians and be with them every day.

Q. And take agricultural implements and tools around from one place to another?—A. Yes, sir.

By Mr. JONES:

Q. Do you mean you should have twenty men in all, or that you should have twenty farmers outside of the three you have?—A. Twenty farmers instead of three, as we have now, from April to November. That is the only complaint these Indians can justly make against the Government. The Government has expended a great amount of money on



them which it was not bound to by treaty, and the only thing the Government has not done is the failure to give the agent the force he ought to have. I ought to have more men to work with the Indians alone at outdoor labor than all the men I have. We have a new mill here, but cannot saw lumber because I have not men to do it. I have at least one hundred sets of logs hauled out by the Indians to the places where they want to live, but have not put them up because I have not men enough to do the work.

By the CHAIRMAN:

Q. You think if your force was increased until you got the Indians started at agriculture and got their houses built that the additional supply of men you speak of would only be needed for a short time?—A. Yes, sir; for two or three summers and only during the summer season. I would prefer not to have them during the winter season; but during the summer season the agent here should have at least twenty farmers.

By Mr. INGALLS:

Q. Could men be employed at reasonable rates for that part of the year at such a great distance from the usual source of supplies?—A. It would be necessary, of course, when they were not employed all the year around to pay them more than the usual price for farm labor; but we want good men, and they should have \$60 or \$70 per month for seven months of the year.

Q. Has there been an accurate census of the Crows taken recently?—A. That always makes trouble. The Crows are counted every fall as accurately as possible without taking down the name of each Indian.

Q. How many times has a census been taken since you have been agent here?—A. Every year—three times.

Q. Have the Indians increased or decreased in numbers, or have the births and deaths been about the same?—A. About the same.

Q. Has there been any immigration from other tribes?—A. No, sir.

Q. Any additions from any sources?—A. No, sir; occasionally other Indians come onto the reservation visiting.

Q. We had reports a short time since that trouble was apprehended in this vicinity; that an excursion was apprehended from the Cheyennes. Has there been any disturbance with the Cheyennes recently in connection with the Crows?—A. No, sir.

Q. Has there been any disturbance among the Indians here in your neighborhood that you know of?—A. I have charge of those Indians temporarily on the Rosebud, 28 miles from here—

Q. (Interrupting.) What is the name of the agency?—A. There is no permanent agency established. There was a reservation set apart there recently.

Q. State what you were going to about the trouble there.—A. The man acting for me over there, Mr. Stevens, was frightened some. There is an Indian settlement on the Rosebud and one on Tongue River, and the Tongue River Indians were anxious to have the Rosebud Indians move to Tongue River. They undertook to compel them to do so, and the agent thought they were going to compel them to go and he got frightened.

Q. Were the Indians on their reservation?—A. The Indians on the Rosebud were within the reservation, but those at Tongue River were outside the reservation. They all belong to the same tribe, only one part is located outside the reservation on the Tongue River, and they wanted to compel the Indians at Rosebud to go over to them.

Q. Are the Indians generally armed?—A. Almost half the Crow Indians are armed.

Q. With what kind of weapons?—A. More Winchester rifles than anything else.

Q. Are they well supplied with ammunition?—A. They have what they want.

Q. What use do they have for guns and ammunition?—A. No use that I know of. There is no game on the reservation.

Q. Is there any reason why they should have improved fire-arms?—A. No, sir.

Q. Is it in any way detrimental to the disposition and good order of the tribe?—A. I think so. All the Indians in the United States can be disarmed by an act of Congress imposing a penalty on any person selling arms or ammunition to them. That would put an effectual end to any tribe making raids upon any other tribe. Such an act was proposed in Congress last year and I wrote there urging its passage, but it failed in the Senate.

By Mr. JONES:

Q. If the Indians on the reservation were disarmed do you not think that the whites ought to be prohibited from taking arms into the reservation?—A. Yes, sir; I think so.

Q. White people ought not to be permitted to carry arms into the reservation if the Indians did not have any?—A. No, sir.

Q. You stated a minute ago that the Tongue River Indians were trying to compel the Rosebud Indians to remove to Tongue River. What was their object in that?—A. The Indians at Tongue River are a wild tribe and not inclined to settle down. The Indians at Rosebud wanted to settle down.

Q. Do you think that they had any desire to break up the tendency to civilization among the Indians at Rosebud?—A. Yes, sir; I believe that was one of the objects the Tongue River Indians had in trying to create a disturbance. I think the white people were at the bottom of the disturbance. I think they influenced the Tongue River Indians to compel the Rosebud Indians to go over there.

By Mr. INGALLS:

Q. You have already stated, to Inspectors Benedict and Ward and elsewhere, the main facts in regard to the alleged lease to Blake and Wilson, have you not?—A. No, sir.

Q. You made statements that were printed in documents?—A. I have communicated with the Department on the subject.

Q. Have you seen the printed document containing your communication?—A. Yes, sir; I have.

Q. Have you seen the report of Inspectors Benedict and Ward?—A. No, sir.

Q. Did you make a statement to them, or either of them, when they were here, concerning the facts relating to the lease?—A. No, sir; they did not question me at all.

Q. The communications you have made then have been wholly to the Department?—A. Yes, sir; I made a report to the Department concerning the testimony that was taken here by that Billings committee last winter.

Q. Are there any facts, in addition to those you have already communicated, that you wish to submit?—A. No, sir; I am not interested in the matter.

Q. We understand that. But is there any information that does not appear in that report that you can give now?—A. I merely wrote to the Department after the committee had left, showing, as I believed, that the object of that committee in coming here was not to take testimony, as they represented, but to instigate the Indians against the authority of the agent here.

By Mr. JONES:

Q. Some gentlemen arrived at the agency this morning from Billings after our arrival. Do they represent the committee that was here last winter or do they represent the other side?—A. I do not know. Mr. Blake is one of the lessees named in the lease, and Mr. Green and Mr. Babcock are citizens of Billings.

By the CHAIRMAN:

Q. Do you know whether they were connected with those persons making the lease or with those in opposition to it?—A. I am sure they had no connection with the lease.

By Mr. JONES:

Q. Did they have any connection with the committee that came here last winter?—A. They were not with the committee.

By the CHAIRMAN:

Q. You do not know whether they had any connection with it or not?—A. No, sir.

Q. Where were the negotiations had that led to that lease to Blake and Wilson?—A. In the same room the council was held in this morning.

Q. Who was present at that time?—A. Mr. Blake, the Indians, and the interpreter. I do not remember of any other white men being present. The agency clerk and issue clerk were probably present as witnesses on Blake's invitation. I was only in the room a few minutes, and did not notice who was present.

Q. Who was the interpreter? The one that acted this morning, Thomas Stewart?—A. No, sir; it was the official interpreter who was then acting. He is not now in Government employ.

Q. It was the official interpreter of the agency that acted, but not the present interpreter?—A. Yes, sir.

By Mr. JONES:

Q. Were you present?—A. Part of the time.

By the CHAIRMAN:

Q. Did you take any part in the negotiations?—A. No, sir.

Q. Did you give any advice or make any suggestions to the Indians in regard to it?—A. I told them what it was; that it was a lease, and that they should make up their own minds whether it was good or not. If it was good they should sign it, and if not they should not sign it.

Q. Did you express any opinion to them as to whether it would or not be good for them?—A. Yes, sir; I did. I told them I thought it would be good for them.

Q. You told them that during the council and talk, did you?—A. Yes, sir.

Q. Did you express any opinion as to what the wishes of the Government or the Indian Commissioner were about it?—A. No, sir. I told them I had received a letter from the Secretary of the Interior, which I have now, instructing me, so far as I was able to understand it, that

if the Indians wished to make an agreement of this kind with any party they could do so.

Q. Will you furnish the committee with a copy of that letter and make it a part of your answer to this question?—A. I will do so. The letter is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, August 11, 1883.

SIR: Having received a letter from Mr. J. C. Wilson, of Topeka, Kans., inquiring about leasing Crow Indian lands, I have written him a letter substantially as follows, which will govern you in your action in the matter:

I see no objection to allowing the Indians to grant permission to parties desiring to do so on fair and reasonable terms, subject to such supervision as the Department may consider proper to prevent the Indians from being imposed upon; no lands to be leased which in your judgment are needed for the use of the Indians.

Such privileges can only be recognized when granted by the proper authority of the tribe; and the benefits must be participated in by all of the tribe, not by a favored few only. It is not desirable that a large number of white herders should be allowed to go into the Indian Territory, as their presence will be of doubtful advantage to the Indians. A few responsible men can easily oversee Indian herders, who, it is believed, can be employed advantageously to the cattle-owners as well as to the Indians. The Indians so employed will soon become skilled herders, familiar with cattle-raising, and may avail themselves of the knowledge thus acquired and become stock-raisers themselves.

The Department will see to it that under such agreements, however, no permanent improvements are erected, and that no disreputable persons are allowed to remain on the reservation.

All persons entering under the authority of such agreement, either as owners or employes, will be required to conform strictly to the statutes and rules of the Department with respect to the introduction of liquors, fire-arms, ammunition, &c., in the Indian country. With reference to the mode and manner of payment, such payment should, as far as practicable, be made in cattle, to be owned by the tribe, and should be preserved as the nucleus of a herd that in a few years shall take the place of the herds now occupying the reservation, and in which the Indians have no interest.

While the Department will not recognize the agreement or lease you mention, nor any other of like character, to the extent of approving the same, nor to the extent of assuming to settle controversies that may arise between the different parties holding such agreements, yet the Department will endeavor to see that parties having no agreements with the Indians are not allowed to interfere with those who have. Whenever there shall be any just cause for dissatisfaction on the part of the Indians, or when it shall appear that improper persons, under cover of such lease or agreement, are allowed on the reservation by parties holding such agreements, or for any reason the Department shall consider it desirable for the public interest to do so, it will exercise its right of supervision to the extent of removing all occupants from the reservation, without reference to such lease or agreement, on such notice as shall be right and proper under the circumstances under which the parties have entered such reservation and have complied with the terms of the agreement and instructions of the Department.

All parties accepting such agreements should accept the same subject to all the conditions herein and subject to any future action of Congress and the Department, as herein stated, in relation to occupants of such territory.

Very respectfully,

M. L. JOSLYN,  
*Acting Secretary.*

HENRY J. ARMSTRONG,  
*Indian Agent, Crow Agency, Montana.*

In the first place these men came to me at the old agency more than a year and a half ago with a general letter that might have been addressed to any other agency on the subject of leaves.

Q. A general letter from who?—A. From the Assistant Secretary of the Interior.

Q. Did you preserve a copy of it?—A. There is a copy printed in Executive Document No. —.

Q. Did they show you that letter and tell you they desired to lease land of the Crows, and ask you to call a council?—A. Yes, sir.

Q. Did you call the Indians together at this request for that pur-



pose?—A. No, sir; I told them I did not consider that authority sufficient for me to act in any way, and would not permit them to talk with the Indians until they brought a letter addressed to me as agent.

Q. They subsequently did that?—A. Yes, sir.

Q. And after that letter was presented you called the Indians together in council and they talked with them?—A. Yes, sir.

Q. Do you know of any deceit being practiced against the Indians?—A. No, sir, I do not.

Q. Were the terms of the lease explained to them?—A. Yes, sir.

Q. By the interpreter?—A. Yes, sir.

Q. Do you know whether he interpreted correctly to them?—A. No, sir, I do not. I do not understand the Indian language; but so far as I understand the business, I think it was fully explained and as fairly entered into as any agreement with Indians could possibly be.

Q. You had no means of knowing, as you did not understand the Indian language, whether the interpreter conveyed to the Indians a fair understanding of the lease or not?—A. No; but I think he did. Whenever I talk to the Indians through an interpreter I watch their eyes, and can tell whether the interpreter talks to them like I talk.

Q. Was there any expressed and open opposition to the lease by the Indians?—A. Yes, sir; there was by one or two of the Indians, who opposed it; and Captain Blake, the man who was trying to get the lease through, became discouraged, and was packing his valise in the afternoon, intending to return to Colorado, where he lived, being anxious to participate in the Presidential canvass, when some Indians came to his room and told him not to go, that they wanted to sign the lease, and he changed his mind.

Q. He remained, and the Indians were called together again?—A. Yes, sir; not by me, but by the Indians that came to Blake.

Q. Did all the Indians sign it then or did some still refuse to attach their names?—A. They all signed except one. There was one chief who refused to sign from the beginning and persisted in his refusal. Others who had previously refused signed their names.

Q. Who refused?—A. Bear Wolf. He is not here to day.

Q. That lease was made subject to the approval of the Secretary of the Interior, was it not?—A. Yes, sir.

Q. Have any cattle been put on the reservation under that lease?—A. I think not; not to my knowledge.

Q. What reports have you about it?—A. I have no information that any cattle have been put on the reservation under that lease. I think there are none.

Q. Then Messrs. Blake & Wilson have not acted under the lease?—A. No, sir.

Q. They have been awaiting its approval by the Secretary?—A. Yes, sir; they have done nothing.

Q. What cattle, if any, are, then, grazing on the reservation?—A. I learn that there are about 10,000 cattle on the reservation in violation of law.

Q. To whom do they belong?—A. Principally to a Mr. Story. He is the principal owner of those trespassing.

Q. Where does he reside?—A. In Bozeman. His ranch is just over the south line of the reservation; on that portion that was ceded in 1881.

Q. You mean that part of the reservation in the neighborhood of Clark's Fork mines?—A. Boulder Creek is the line of the reservation now, as marked on the map of 1883. There have been quite a number



of ranches established on the foot-hills along the boundary of the reservation, and were established for the express purpose of allowing their cattle to drift over into the reservation in violation of law.

Q. Where those ranges are established outside of the reservation is there such an extent of country suitable for grazing as would justify their establishment?—A. No, sir, except for sheep.

Q. So you suppose they were established in order to permit the cattle to graze on the reservation?—A. Yes, sir.

Q. Have you made any effort to keep them off the reservation?—A. I sent a herder up there with notice to the cattlemen to remove all their cattle, but he was powerless to carry out the order.

Q. Why was he powerless?—A. He could not spread himself over such a large extent of country and remove 10,000 head of cattle, and I could not send any one to assist him.

Q. Do the Indians get any benefit from this grazing?—A. No, sir.

Q. Are there any other cattle except those owned by this man Story on the reservation?—A. Yes, sir; he has only about 3,000 or 4,000 head, and there are 7,000 more.

Q. Where are the other cattle located?—A. On this same strip I have spoken of, and some have drifted across from the north side of the Yellowstone.

Q. Have you personal knowledge that they are drifting across the Yellowstone?—A. I have information from a very good man that it is so.

Q. From whom have you derived that information?—A. Principally from Mr. B. F. Pierson.

Q. Where does he reside?—A. Above the village of Stillwater on the Yellowstone.

Q. On the railroad?—A. Yes, sir.

Q. Do you think we can get his statement about that, as we go along?—A. Yes, sir; I think so.

Q. When these cattle drift across the Yellowstone do they ford it or go across on the ice?—A. Those cattle that are now on the reservation are principally cattle that have been put on in the winter season. They were freezing on the north side, and hay was put on the ice on the Yellowstone so that they would come up to the north bank and follow the hay over.

Q. What would you suggest as to the use of these lands; do you believe it to be to the interest of the Indians that this lease should be ratified now?—A. If the Government intends to pursue the same policy it has for a number of years it would be for the interest of the Indians to ratify that lease, but if the Government should adopt what I consider to be the right policy, it would not be best for the Indians to lease their lands.

Q. You believe that the reservation ought to be reduced and the Indians located on separate allotments of land?—A. Yes, sir; I believe every Indian in the United States should have his allotment of land patented to him (and it should be done this summer if all other work was dropped), and the remaining land thrown open for settlement.

Q. You think the policy of leasing would perpetuate this community interest in the lands?—A. Yes, sir; of course if the policy I suggest was carried out it would be impossible to lease the lands, as there would be none to lease; it would be open to settlement.

Q. That is, you would have the lands disposed of to the Government for such things as the Indians need in farming, and let the Government deal with the cattlemen?—A. I would patent to every Indian his land

at once, making the homestead inalienable, and would then throw open for settlement under the land laws every square foot of Indian country in the United States, no matter whether the Indians liked it or not. The money that would be due the Indians for the lands taken from them ought to be used to establish them on their homesteads and make all necessary permanent improvements, such as irrigating ditches, roads, and bridges, houses for the Indians, and in the purchase of stock.

Q. Are there any other suggestions or information you can give us on the subject?—A. No, sir.

Q. I want to ask about your school here. Do you maintain a school?—A. Yes, sir.

Q. How many pupils have you?—A. Twenty-one now. We sent five of our pupils to Carlisle, and some have been returned to their parents on account of being diseased, so that we have not as large a number at present as we have had.

Q. What is the disposition of the Indians in reference to sending their children to school?—A. The best of them are prejudiced against the school.

Q. What for? Is it because you have not a good teacher to manage the school, or are they prejudiced against education?—A. It is a general prejudice against education, which is strong in all Indians, and seems to be stronger here than elsewhere.

Q. Do you send any Indians to Eastern schools?—A. Yes, sir.

Q. Have any of those Indians returned to the tribe?—A. There is only one here now, John Wesley. There have been five returned on account of bad health and bad dispositions.

Q. What has been John Wesley's conduct since his return?—A. Very good.

Q. Does he show any disposition to use the information he got at school to improve his condition here?—A. He did not at first appearance; he had to visit with his people for awhile, but latterly he has been cultivating the ground. He has a separate allotment, and will have a house in a short time.

Q. He does not show a disposition then to relapse into his old habits and ways?—A. No, sir. Of course, I would punish any of these pupils that return to the agency if I saw them paint, or put on a blanket. I would not permit it at all.

Q. Have you a good teacher here?—A. Yes, sir.

By Mr. INGALLS:

Q. How is John Wesley received by the other Indians? Do they make any discrimination against him in any way on account of his education?—A. No, sir; they rather look up to him.

Q. Then it has been to his advantage socially among his own people to be educated?—A. They rather look up to him some; but I do not think they consider it was good for him to go East and learn those things.

Q. Do they refuse to associate with him?—A. Oh, no.

Q. Has the education he has received operated to his disadvantage among the Indians in any way?—A. No, sir.

Q. Have you any suggestions to make as to the action of Congress or the direction they should take in relation to the Crow Indians?—A. Well, I consider that next to removing the agency to this valley, which is acknowledged to be the finest part of Montana, the second best thing would be to adopt the amendment to the Crow treaty which I got the Crows to agree to last fall.

Q. Will you furnish the stenographer a copy of that amendment and make it a part of your testimony?—A. I will do so, and I hope you will interest yourself in it in the Senate. Said amendment is in the words and figures following, to wit:

We, the undersigned members of the Crow tribe of Indians, hereby agree for ourselves and for our people to the following change in our treaty, dated June 12, 1880, being for the segregation of a certain western portion of our reserve, viz:

First. That article 2, stipulating that the sum of \$30,000 shall be paid to us annually for the period of twenty-five years, shall be stricken out so far as relates to the balance of the money due us, and in lieu thereof shall be inserted the following:

Second. That for the purpose of providing funds to enable the Secretary of the Interior and Commissioner of Indian Affairs to make such permanent improvements as irrigating ditches, the building of houses for us, making roads and bridges, purchase of wire fencing, cooking and heating stoves, wagons and harness, farming implements, and any such other articles as are necessary to enable us to establish ourselves upon our homesteads; and for the purchase of cattle, and additional subsistence when necessary; and also for the employment of such additional or irregular farmers as the Secretary and Commissioner may authorize from time to time (in excess of the \$10,000 limited by law for the payment of employes at any one agency during any fiscal year) for the purpose of instructing us in all matters pertaining to our occupation as farmers, &c., until the remainder of the \$750,000 agreed to be paid for the segregation of the said western portion of our reservation shall be exhausted in addition to the \$30,000 already provided to be appropriated annually by the terms of the treaty of June 12, 1880, a further sum of \$60,000 be appropriated annually, making a total appropriation annually of \$90,000 until the remainder of \$750,000 stipulated by the aforesaid treaty to be paid to us shall be exhausted.

*Provided*, That the appropriation of the sums mentioned in this supplementary agreement does not of necessity compel the expenditure of all the money that may be appropriated as provided in this agreement, but only so much thereof as in the discretion of the Secretary of the Interior and Commissioner of Indian Affairs, after careful scrutiny of the estimate upon which the several sums are proposed to be expended, shall appear necessary and for the best interests of the Crows.

And any sums appropriated and not expended during the fiscal year in which such appropriation was made shall stand to our credit in the Treasury of the United States, to be drawn upon for like purposes mentioned in this agreement as necessity occurs.

Signed (with his x mark) by—

Two People; Bull Nose, chief of Band No. 18; Takes Wrinkle, chief of Band No. 14; Medicine Crow, chief of Band No. 8; Sits in the Middle; Young Curlew; Fire Bear; Little Whetstone; Shavings; Long Hair; Bull that Knows; Child in the Mouth; Charles Foster; Enemy Hunter; Big Ox, chief of Band No. 25; Big Forehead, chief of Band No. 15; Iron Bull, chief; White Bull; Dog Eye; Small Waist; White Horse; Bull Chief; Mountain Chief; Blue Iron Bead; Beaver that Slides; Short Bull; Shot in the Arm; John Wallace; Yellow Face; Horse got no Joint; Iron Shield; Swings His Arm; Walks in the Middle of the Ground; Flathead Woman; Two White Birds; Black Hair; White Mouth; White Forehead; War Man, chief of Band No. 1; Sugar; Coyote to Water; Old Nest, chief of Band No. 26; White Shirt; Crane in the Sky, chief of Band No. 9; Old Woman; Big Medicine; Old Coyote; Busy Wolf; Red Fox; Spotted Buffalo; White Man Runs Him; Worker; Fringe, chief of Band No. 5; The Bend; Bear Wolf, chief of Band No. 24; Pretty Guts, chief of Band No. 4; Bell Rock; Rides the Horse; Old Crow, chief of Band No. 21; Woodtick; Old Spaniard, chief of Band No. 19; Bobtail Wolf; Gray Bull; Crazy's Sister-in-Law, chief of Band No. 6; Sitting Elk; Plain Horse; Mountain Chief; Buffalo Calf; Left Hand; White Hat; In the Fog; Knot on his Forehead; Drift Wood; Short Bull; Lots of Bears; Little Wolf; Pukes on the Ground; Strikes the Enemy; Scratches His Face; Goes in Front; The Drunkard; Yellow Tail; Two Belly, chief of Band No. 20; Boy That Grabs; Bear's Head; Bull Tongue; Walks up the Hill; Cuts the Turnip; Fights Plenty; Jim; Lost Horse; How Is It; Small Bells; Fat Boy; Little Calf; Keeps the Food; The Old Bear; The Bread; Sharp Head; Bull Goes Hunting, chief of Band No. 12; Bear in the Middle; Dancing Woman; Snake; The Arm; No Hair On His Tail; Bear Lays Down Plenty; Bear in the Water, chief of Band No. 3; Small Knife; Bear's Tail; On The Other Side; Bull Wolf; Hides His Neck; Rock Chief; Sees the White Horse; White Buffalo; Crow Chief; Big Man; Runner; Shaved Tail; Pretty Eagle, chief of Band No. 11; He is Gone; Fire Fish, chief of Band No. 2; Goes On; Bull in the Water; Small Bead; Big Hair; Sharp Horn; Plenty Coos, chief of Band No.

13, Ghost Bear; Paints Face Yellow; No Milk; Black Foot; The Web; Big Sky; Hits Himself on His Head; Big Neck; Back of the Neck; Blackfoot Goes to War; Young Otter; White Otter; Sees all Over the Land; Bird Hat; Bull Well Known; Hears all Over; The Bears; Bird Head; Spotted Rabbit; Well Known Egg; Rock; Yellow Crow; Looks Big; Gives Away; Little Old Man; Bobtailed Bear; Gets Off; Turns Back; Sharp Head No. 2; Small; Pretty Face; Walks High; Round; Does Pretty Things; Young Chief; Dick; Plenty Bear; Old Coyotte; Pounded Meat; White Arm; Shows His Ear; The River; Makes a File; The Horn; Dreamer; The Fire; Round Rock; Old Woman; Plenty Hail Stones; Lots of Feathers; The Iron Horse; Runs with the Enemy; Big Nose No. 2; Old Wolf; Sits Before the Cloud; White Dog; Medicine Bear; Little Bear; Charge up the Hill; The Hail; Goose Chief; Red Iron; Knife Chief; Runs Him; Holds on to the Tail; Takes a Crooked Stick; Cuts a Hole in the Ice; Antelope Cap; Snake Bull; The Twins; Poor Elk; Two White Birds; Alligator Stands Up; Bloody Man; The Mountain; The Trail; Bird High Up; Yellow Iron; Swings His Arm; Finds the Feather; Rock all the Time; The Beard; The Fox; Runs on Top; Half Gone Home; Top of the Moccasin; Looks Back; Smells Bad; Top; Knows how to go to War; Takes it Himself; Young Blackbird no Good; Sees the Moon; Bird Tail Spotted High Up; Old Dog, chief of Band No. 7; Busy Wolf; Lean Man; Long Elk, chief of Band No. 16; In the Cloud; Pretty Gut; Hugs the Bear; Black Bird; Bobtail Crow; The Curley Bull; Sorrel Horse; Looks at the Water; Gun; Hole in the Lodge; Spotted Tail; Round Face; Hides; Wood Tick; One Star; Yellow Crane, chief of Band No. 10; Bad Baby; Black Bird; Cut Lip Jack; Rides a Gray Horse; Big Leg; Covers His Face; Big Shoulder Blade; Big Porcupine; Black Man; Bull Wolf.

We certify on honor that we witnessed the signature of each and every Indian attached to this agreement, from No. 1 to No. 254, inclusive.

C. H. BURSTOW,  
*Clerk.*  
THOS. E. WALKER,  
*Issue Clerk.*

CROW AGENCY, MONTANA,  
*February 26, 1884.*

CROW AGENCY, MONTANA, *February 26, 1885.*

I certify on honor that I have explained the nature of the above agreement to all the Indians who have signed their marks thereto, from No. 1 to No. 254, inclusive, and that they fully understand all the conditions therein contained, and that I have witnessed each and every signature thereto, from No. 1 to 254, inclusive, on pages from No. 3 to 12, inclusive.

B. BRAVO,  
*Interpreter.*

CROW AGENCY, MONTANA, *February 26, 1885.*

I certify on honor that I have witnessed each and every signature, from No. 1 to No. 254, to the above agreement between the Government of the United States and the Crow tribe of Indians, and that I have had said agreement carefully explained to the said Crow Indians, and am satisfied that they understood all the provisions of same at the time of signing their names thereto.

H. J. ARMSTRONG,  
*United States Indian Agent.*

Q. As I understand that amendment, it commutes the \$30,000 per annum the Government is now paying the Crow Indians and provides for it at \$90,000 per annum?—A. Yes, sir; it shortens the time and number of years it has to run.

Q. Your plan is to give the Indians an earlier start in their work by using this money to build ditches and get them agricultural implements instead of dealing it out to a few Indians each year?—A. Yes, sir; it is injurious to these Indians to pay them this money in small sums extending over a long term of years. It keeps the Indians from working, because they are looking for the money every year.

Q. I suppose when such a small amount of money is expended it only enables you to do these things for a few Indians. You have to select



a few to give these things to?—A. Of course, it is entirely inadequate to the expenditures necessary here, and I think the Government already owes these Crow Indians and will owe them, when they purchase another part of their reservation, a sufficient amount to get everything that is needed to establish the heads of families on homesteads and still leave money to support schools. The Government must not, and ought not, to expend a dollar on the Crows except in paying what it owes them and will owe them when their reservation is diminished. The fund will be ample for all purposes.

By Mr. JONES:

Q. The treaty you speak of you negotiated under the authority of the Government, I suppose?—A. I wrote to the Commissioner three times on that subject, urging the matter, and finally received authority to call the Indians together to agree to such an amendment.

Q. Did you report the result of your negotiations to the Interior Department?—A. Yes, sir; and sent forward the treaty signed by the Crows. It arrived there the same day Congress adjourned.

Q. It will be transmitted at the beginning of the next session, then?—A. Yes, sir; and it ought to be brought up as early as possible. I see no reason why it should not be ratified.

Q. Why did you advise these Indians to adopt this lease to Blake & Wilson?—A. I did not advise them exactly—

Q. (Interrupting.) I understood you to say awhile ago that you did.—A. I did not advise them exactly to sign the lease. I told them plainly to think about it for themselves, and if they thought it was good they should sign it, and if not, they should refuse; that that was the instructions from the Great Father. I told them that if I had not received this letter from the Great Father it would be improper for me to allow Blake to talk to them about it, but having received that letter I deemed it advisable to call them together; that they must think about it themselves, and if they thought it was good to sign it, and if not, they should not sign it. I had not intended to say a word to them about the business. I was walking about the morning of the council attending to affairs of the agency and the Indians sent for me to come in. They said they would not talk to Blake until I was present.

By the CHAIRMAN:

Q. But you told them you thought it was best for them to sign it?—A. Yes, sir; well, I don't think I told them it was best for them. I think I told them it might be a good thing for them.

By Mr. JONES:

Q. These same gentlemen were here prior to that time, about a year and a half ago?—A. Yes, sir.

Q. What steps were taken towards making a lease at that time?—A. They came to me with a circular letter, which might have been addressed to any other agent, and I declined to allow them to talk to the Indians unless they brought a letter addressed to me as agent.

Q. You had some communication after that with the Interior Department in relation to that circular letter?—A. Yes, sir.

Q. Did the Commissioner of Indian Affairs take the ground that you should have regarded that circular letter addressed personally to you?—A. No, sir; I only had correspondence with Senator Dawes.

Q. Has any other company or individual proposed to lease these lands except these gentlemen who made the lease?—A. Yes, sir.

Q. Did not some Illinois people come here for the purpose of leasing



lands?—A. Yes, sir; but the letter they handed me was not addressed to me, or the agent at this agency, and I refused to let them talk with the Indians.

Q. After receiving instructions from the Interior Department, did you let any other parties, except Messrs. Blake and Wilson, know that this lease might be possibly made?—A. No, sir; I did not consider it my duty. Under my instructions I considered that any party had a right to come here and make an agreement with the Indians, and no citizen of Montana was denied that privilege.

Q. But no notice was given to the outside world that such leases could be made. No one knew it except Messrs. Blade and Wilson.—A. I talked with several citizens of Montana, and told them what my inclinations were.

Q. Do you know who these Illinois parties were?—A. No, sir; except I knew their names.

Q. What were their names?—A. H. G. Reeves and J. G. Moore. Mr. Reeves lived at Bloomington, Ill., I believe.

Q. What amount of money were Messrs. Blake and Wilson to pay the Indians for the lease?—A. \$30,000.

Q. For how much land?—A. For 2,500,000 or 3,000,000 acres of land.

Q. If these lands were to be leased, do you not think it would have been better for the Indians to have allowed the public to know the fact, so there could have been competition bidding instead of leasing to Blake & Wilson for any bid they might make?—A. I have not the least idea that any lease could have been made if it had been advertised publicly, because there would have been so much opposition to it. Outsiders would have worked on the Indians in such a way that it would have been impossible to have gotten them to agree to anything.

Q. You think it was necessary that it should be done in a *sub rosa* way in order to have it done at all?—A. Yes, sir; not because it was wrong in itself, but because other parties might defeat it. Of course, it is possible for any set of men who may make up their minds to defeat any agreement with the Indians to do so, no matter how beneficial it may be to the Indians. Any person that understands how to work on the Indians, can defeat any agreement the Government may desire to make with them. For instance, there was an unexpended balance of \$5,500 last spring, which we desired to expend in purchasing beef, being greatly in need of it, and the money had to be covered into the Treasury unless expended in that way, and we had the greatest difficulty to get the Indians to consent to it, because of the opposition of Spotted Horse.

By the CHAIRMAN:

Q. Do you not think that if these lands are to be leased a better price could be obtained for them than that offered by the Illinois men, or Blake & Wilson?—A. No, sir; I do not think so. If it was certain that they could have peaceable possession of the lands, of course they would be more valuable, but everybody must know that they will encounter great opposition, and the opposition party will influence the Indians to burn off the ranges, and that reduces the value of the lease very much; \$30,000 is all I would pay the first year.

Q. Suppose that the Indian Bureau should adopt the policy of leasing these lands and legalize it, and instruct you as agent to enforce the rights of the lessees, whoever they were, and the title to the leases were made good for a specified number of years; what rental do you

think could be obtained for these lands?—A. Considerable more than \$30,000 without doubt.

By Mr. INGALLS:

Q. Messrs. Blake & Wilson have since increased their offer to \$50,000, have they not, and the Commissioner thinks it ought to be worth \$100,000?—A. My understanding is that the Commissioner can at any time, if he thinks the rental is insufficient, order them to increase the rental or remove their cattle.

By the CHAIRMAN:

Q. That was not provided in the lease?—A. That is contained in my instructions on the subject.

Q. It was not contained in the lease, was it?—A. No, sir; but that matter was explained to the Indians.

Q. But that explanation was oral and the contract was written, and the written contract, as I understand it, did not contain any stipulation that the Interior Department might increase the rental for the second and third years.—A. It was not necessary for it to be written down in the lease, because their latest treaty says: "If at any time we as a tribe permit cattle to be driven across or grazed on our country the Secretary of the Interior shall fix the amount to be paid to us." It was under this article, I presume, that the Secretary claimed, in his letter to me, the right, at any time, to order the lessees to increase the rental or remove their cattle.

By Mr. JONES:

Q. That correspondence occurred after the lease was made, did it not?—A. A portion of it did and a portion of it was before.

Q. You stated a while ago that there were 10,000 trespassing cattle on the reservation; how long has that been the case?—A. That began last fall.

Q. In your correspondence with the Interior Department this last spring, how many trespassing cattle did you report as being on the reservation at that time?—A. I reported that there was a number of thousands. I had no positive information.

Q. Since that time you have found out that there were a larger number of trespassing cattle than you had supposed at that time?—A. Yes, sir.

Q. How did you get that information—from the reports of your herders?—A. Yes, sir, partly; and I had other information a few days ago. I do not remember the name of the party, but can think it up.

Q. You think none of these 10,000 trespassing cattle belong to Blake & Wilson?—A. I do not think they have any cattle on the reservation. I do not think they have any in Montana at all.

Q. You think 3,000 of these trespassing cattle are owned by this man Story?—A. Yes, sir; he is the largest owner of trespassing cattle.

Q. In the correspondence you had with the Interior Department, in which some gentlemen wanted to drive their cattle out of the reservation, why did you object to it?—A. I did not oppose their driving them off. I merely wanted to delay it until our round-up. I wanted to have the supervision of it.

Q. They did not drive them off until you agreed to it, did they?—A. No, sir.

Q. How many cattle did you find those gentlemen had on the reservation?—A. I could not tell, because I wanted my herder to make a

written report. He wanted to make a verbal report and I would not receive it, and he has not sent in his written report yet.

Q. Did they drive those cattle off?—A. Yes, sir.

Q. You think there are 10,000 trespassing cattle on the reservation now in addition to those?—A. Yes, sir.

Q. Where did they come from, do you think?—A. Some from north of the Yellowstone.

Q. You do not think they belong to the same parties that drive their cattle off after the round-up, do you?—A. They undoubtedly have some cattle left that they could not find.

Q. Did you and your herder know there was a large number of cattle on the reservation in addition to those we have just been talking about?—A. Yes, sir; of course. There are some cattle on the reservation that are there by authority of the Commissioner of Indian Affairs.

Q. About what time do you think the 10,000 head of trespassing cattle were upon the reservation—came upon it?—A. They began coming in, I think, immediately after we began moving the agency last September.

Q. Then their coming upon the reservation has been comparatively recent?—A. Yes, sir; most of them within a year. When the agency was located in the vicinity of those ranges we had our spring and fall round-ups and would find a few strange cattle, but never found more than one or two hundred, so that the large number now on that part of the reservation must have come on since the removal of the agency.

By Mr. INGALLS:

Q. You spoke of cattle being on the reservation by authority of the Commissioner. How many cattle of that kind are there?—A. Messrs. Briggs & Ellis have authority for their herd.

Q. Where are their headquarters?—A. West of the Stillwater.

Q. How many cattle have they?—A. About two thousand, but part of them are unauthorized.

Q. How many are authorized?—A. Only about twelve hundred.

Q. How large a tract of land do they occupy?—A. A considerable tract of land—25 miles east and west—but they do not have exclusive possession.

Q. How much do they pay per head?—A. Thirty-three and one-third cents per head last year.

Q. Where did that money go to?—A. It is used by the Government in the purchase of supplies for the Indians and agricultural implements.

Q. What other cattle are there on the reservation under authority?—A. A. J. Wilkerson, of Billings, Mont., has a small herd of two hundred head.

Q. What does he pay?—A. Fifty cents per head.

Q. Who else?—A. Nobody, by the authority of the Commissioner. I gave a man authority to put on, in the first place, 75 head temporarily, which has been increased to 200 head.

Q. What is his name?—A. George L. Ash, of Billings, Mont.

Q. What does he pay?—A. Fifty cents per head.

Q. What is done with that money?—A. All these moneys are deposited to the credit of the Government at the close of each quarter for the benefit of the Indians.

Q. Deposited with you?—A. Yes, sir.

Q. And are then deposited in the Treasury?—A. Yes, sir; at the close of every quarter.

Q. And are required to be reappropriated?—A. Yes, sir.

By Mr. JONES:

Q. Why do you charge one man 33½ cents per head and another 50 cents per head for grazing cattle?—A. There is no special reason for it, except at the time Briggs & Ellis got their permit the reservation was occupied entirely by the Indians, and I was not informed as to what was a fair rate per head. It was not intended to favor them at all.

By Mr. INGALLS:

Q. How long do these leases run?—A. They are only annual permits

Q. You say Briggs & Ellis are only authorized to put on 1,200 head and they have put on 2,000 head?—A. More than that.

Q. Don't they pay for the excess over 1,200 head?—A. They will this season, but up to the time we had our last round-up I did not know that they had more than 1,200 head. They wrote to me for permission to import some cattle from Wyoming.

By Mr. JONES:

Q. In the first instance they bought some cattle from a half-breed?—A. Yes, sir; that was their starting point. This last spring they wrote to me stating that they wanted to increase their herd by importing some cattle. I told them I could not grant it; that they must have authority from the Department. They then wrote back and asked for a permit to drive the cattle across the reservation, which is something that has never been refused to any person. I gave that permit, and they drove the cattle into the reservation with the honest intention, as I supposed, to carry them through, but they stopped them on the reservation. I notified them that they must remove those cattle they had brought on without authority. They did not reply, and I informed them only a short time ago that their authority to graze cattle on the reservation had terminated on the 30th of June, 1885, as they had not complied with my instructions to remove their cattle.

By Mr. INGALLS:

Q. Have they removed them yet?—A. No, sir.

Q. Are they actually opposed to this Blake & Wilson lease?—A. I don't know.

Q. How many acres does it require annually to graze a steer on these plains?—A. I think they count about 40 acres to the steer—that is, for winter and summer range. It is necessary to have distinct ranges for different seasons to engage in the business successfully; one range for summer and one for winter.

Q. It requires 40 acres of land to provide for the summer and winter grazing of one steer?—A. That is my understanding.

Q. So that at the figures made with Messrs. Briggs & Ellis and these other parties you have named they only pay from 33½ cents to 50 cents per 40 acres of ground?—A. Yes, sir.

By Mr. JONES:

Q. Have you no means of protecting the reservation under the law from these trespassers?—A. No, sir; I have not. I have not enough of employees to attend to my daily affairs around the agency, which are more importance than fighting trespassers. I have no men to protect the reservation. In regard to the permit given to Mr. Ash I desire to say this: At the time I arrived here there was a camp of military on this site of Billings, put there to protect the work on the Northern Pacific Railroad. They gave this man Ash authority to graze cattle on the reservation over there to supply them with milk and butter. The cattle got



accustomed to grazing there, and when they were removed, as they were once, they came back again. The man that owned them was a poor man, and he came up to the agency and begged so hard that I allowed him to remain on the reservation temporarily.

By the CHAIRMAN:

Q. Has the Commissioner of Indian Affairs given his approval to that?—A. No, sir.

Q. Have you notified him?—A. Yes, sir; it is published in the correspondence. From the correspondence I had had with the Department it seemed that the agent might have authority to grant these permits, although I have constantly refused to do so in every other case, and referred them to the Department.

Q. Those men from Billings that came here to take the testimony of the Indians in relation to this lease to Blake & Wilson, did they make any proposition to lease themselves?—A. Not that I heard of.

Q. Were any of them owners of cattle herded along the line of the reservation, so that they got any benefit from the reservation in the way of grazing their cattle upon it?—A. Yes, sir; probably all of them were benefited by having the reservation there. I have heard cattlemen say that they preferred not to have the reservation thrown open, because in the winter, when feed got scarce, they could drive their cattle over onto the reservation.

Q. Who told you that?—A. Mr. Harrison, of Sweet Grass, Mont., in particular. I understand that is the feeling of some of the cattlemen. They want the reservation to remain, so that in winter their herds can come over on it.

Q. Those cattle came chiefly from across the Yellowstone into the reservation, or from that part of the reservation that has been opened?—A. Yes, sir.

By the CHAIRMAN:

Q. It has been said by some persons that you personally had some interest in the lease to Messrs. Blake & Wilson. What is the truth about that?—A. I have no interest in that lease.

Q. Did you have any interest with them in their cattle?—A. No, sir.

Q. I understand you to say then that you have not now and never had any interest either in the cattle they were grazing here or in the lease itself?—A. No, sir; I have not. They have no cattle here that I know of.

Q. You had no interest in the cattle they expected to bring here and did not expect to take an interest with them in the business?—A. No, sir; I did not.

By Mr. JONES:

Q. And did not at the time of the lease?—A. No, sir; I desire to explain a little more fully why I suggested to the Indians that it might be good for them to make this lease to Blake & Wilson. Our allowance of beef was getting low, and although I had written urgently to the Department for more, I had just received information that my request could not be granted, and it seemed to me that the only way we could get a further supply to enable us to get through the year was to make the lease. I knew that unless we got more beef many of our stock cattle would be killed. It seemed to me, as it does now, that it would be better to lease a portion of the reservation, so that the Indians would derive a revenue from it, than to have it overrun by trespassing cattle in violation of law, as at present.



*Testimony of John T. Blake.*

JOHN T. BLAKE sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Salida, Colo.

Q. Do you spend any of your time in Montana?—A. I have been.

Q. What business have you been engaged in here?—A. Surveying.

Q. For the Government?—A. Yes, sir; I surveyed the reservation lands here.

By Mr. INGALLS:

Q. Have the lands on the reservation been sectionized?—A. Yes, sir; they have in the valleys of the Little Horn and Big Horn.

By the CHAIRMAN:

Q. Did you survey them under contract with the Government or with the agent here?—A. Under contract with the Commissioner of the General Land Office.

Q. Were you engaged in that business at the time you negotiated with the Crows for a lease of some of their lands?—A. No, sir.

Q. How long prior to that time had you completed your work as a surveyor here, if you had completed it?—A. I had completed the field work about ten months before.

Q. You became acquainted with the Crows to some extent, I suppose, while you were doing that work?—A. Yes, sir.

Q. If you made an agreement with the Crows to lease some of their lands who were your associates in that enterprise?—A. J. C. Wilson.

Q. Where does he reside?—A. At Topeka, Kan.

Q. Was any one else interested with you?—A. It was my understanding that Mr. Briggs was interested in it.

Q. Is he a member of the firm of Briggs & Ellis that has been mentioned here?—A. That is not the same Briggs.

Q. Where does Mr. Briggs reside?—A. Some place in Kansas; I don't remember where.

Q. Were any other persons interested in the lease?—A. I know of another one that was supposed to be interested.

Q. What was his name?—A. Mr. Parker.

Q. Where does he reside?—A. At Atchison, Kans.

Q. Were any other persons interested in that lease that you know of?—A. Not that I know of.

Q. You knew all those that were interested, did you not. You knew who your associates were, did you not?—A. Well, I suppose I did.

Q. Who selected them? Were they selected by your partner?—A. Yes, sir; by Mr. Wilson.

Q. And you knew that these persons named by you were mentioned by him as being interested in the project?—A. Yes, sir.

Q. Did you have any cattle at that time?—A. No, sir.

Q. Do you know whether either of these other gentlemen had?—A. I had heard that Mr. Briggs had cattle, but I did not know anything about it.

Q. Do you know where he had them?—A. No, sir.

Q. None of them had any cattle so far as you knew in this part of the country?—A. I know none of them had any cattle here.

Q. Was it your intention to put cattle on the reservation under this lease, or sublease it to other cattlemen?—A. We expected to form a partnership, go in jointly, and put some cattle on.

Q. Did you expect to use all the land or sublease part of it?—A. We expected to sublease part of it. We could not have furnished cattle enough of our own, I suppose.

Q. About how many head of cattle did you estimate the ground you proposed to lease would support?—A. Well, I never made an estimate as to that.

Q. Have you not some idea?—A. I suppose it would graze 50,000 head of cattle.

Q. Had you made any arrangements for subleasing to anybody? Had you any contracts made?—A. No, sir; never had.

Q. Who conducted the negotiations had with the Crows about getting a lease?—A. I did.

Q. You did it personally, did you?—A. Yes, sir.

Q. How did you do it—by visiting them in their lodges and camps?—A. Not very much; I talked with them at different places, and asked them what their views were and what they thought about it. As they never had thought about it, they wanted time to think it over and talk about it. I gave them time, and finally they concluded that it was good and the best thing for them. When I first commenced to talk to them about buying the grass they were opposed to it, because they thought we wanted to buy the land (they did not understand the term leasing), and they thought the Great Father would not allow anybody to purchase the land; but when I explained that the grass was all I wanted, that the land would still belong to them, then they readily assented to it.

Q. Do you speak the Crow language?—A. No, sir.

Q. How did you communicate with them?—A. By an interpreter mostly; I understand some Crow signs and words.

Q. What interpreter did you use?—A. Sometimes this one here.

Q. That is, the interpreter at the agency here?—A. Yes, sir.

By Mr. JONES:

Q. The one that interpreted for us to-day?—A. Yes, sir.

By the CHAIRMAN:

Q. Was he then the official interpreter?—A. No, sir.

Q. But he was employed here at the agency?—A. He was here, but not employed.

Q. Did he go about with you to the camps and see the Indians?—A. No, sir.

Q. When did you talk to them, then?—A. I would meet them around.

Q. When he was with you?—A. Yes, sir; sometimes I would send for him.

Q. Was it about 3,500,000 of acres that you proposed to lease?—A. No, sir; I do not think there was that much.

Q. What are the boundaries of the land embraced in your lease, as you understand it?—A. Well, the lease is described as starting from the Yellowstone River, at Pompey's Pillar, and running in a southerly direction to the Big Horn Mountains, 10 miles west of the Big Horn River, where it comes out of the cañon, and included all west of that line between the Yellowstone River and the Wyoming line.

Q. How many acres did you estimate were included in those limits?—A. I suppose that the grazing land—

Q. (Interrupting) The total area I want.—A. There must have been nearly two and one half millions of acres, including the mountains.

Q. Was not almost all of it susceptible of use as grazing land?—A. Oh, no; a large part of it is not accessible.

Q. The mountain sides and benches have more or less grass on them, have they not?—A. There is no grass on those mountains on the southwestern portion of the reservation; they are rocky and very rough. It is impossible for stock to get on them; I could not get my pack-horses through there when I was surveying.

Q. What rental per head did you expect to get from those to whom you subleased?—A. We had not made any estimate at all.

Q. What did you suppose it was worth?—A. I supposed we would have to have gotten from fifty cents to one dollar per head to have come out even.

Q. You stipulated to pay the Crows how much per year?—A. \$50,000. The lease was first made for \$30,000.

Q. Did you afterwards agree to pay \$50,000?—A. Yes, sir.

Q. After talking with some of these Indians, as you have described, you met them in council, did you not?—A. Yes, sir.

Q. Who acted as interpreter at that time?—A. Sometimes Thomas Stewart.

Q. The man that interpreted for us to-day—now the official interpreter?—A. Yes, sir.

Q. Who else interpreted?—A. Sometimes Bernard Bravo.

Q. Did you make an address to them through the interpreter?—A. I addressed them in the council; yes, sir. I told them what I wanted to do, and explained it to them.

Q. Explained the boundaries?—A. Yes, sir.

Q. And explained the price to be paid?—A. Yes, sir.

Q. You did that through an interpreter?—A. Yes, sir.

Q. You had no means of knowing whether he faithfully rendered what you said or not?—A. Well, I believe he did.

Q. What inducements were held out to the Indians—what representations did you make with a view of getting their consent?—A. Well, I told them how much I would pay them and what benefit the money would be to them; that the grass was of no benefit to them; that it grew up and when the sun fell on it it died, and that the Crows got nothing out of it; that they could sell this grass and get so much money out of it, and I told them what it would amount to per tepee.

Q. Did you propose to pay for the lease in money?—A. Yes, sir.

Q. Was anything said to the Crows about what the wish of the Great Father or the Government was as to whether they should lease their lands or not?—A. Well, I do not think there was.

Q. Did you say anything of that kind?—A. I did not. I said the Great Father would not permit anybody to come on the reservation and buy their land, but that they could sell the grass under their treaty with the Government.

Q. Was anything said to them about their supplies or rations being withheld if they did not make the lease?—A. Not a word.

Q. By you or anybody else?—A. Not by me or any one else. I referred frequently to the lack of rations, and told them this money would tide them over the time when they were short of rations.

Q. Do I understand you to say that they were short of rations at the time this council was held?—A. No, sir; I do not know that they were. I knew that they did not draw a full ration, and were frequently very hungry. I knew that.

Q. And you represented to them that the money they would get for this grass would supply them with rations?—A. Yes, sir.

Q. Were those the only representations made by you? Have you given us in substance all you said to them to induce them to sign the lease?—A. I think I have. I told them the advantage of selling the grass (which was the term I mostly used to them, as they did not seem to understand this leasing business); that the grass was worthless to them, and they needed the money they would get for this grass. Many of them had come to my camp begging and very hungry, and I had fed them.

Q. Did any one else make any statements to them in council? Do you recollect what Major Armstrong said to them, if anything?—A. He made some remarks to them when they appealed to him, as I understood, and told them he thought it was good for them; that they could not use the grass, and he believed we would do what we agreed to, or something of that kind, as I recollect it. He told them he would not deceive them, and never had, and always worked for their interest and benefit.

Q. That lease you negotiated then was for \$30,000 annual rental?—A. Yes, sir.

Q. How did you come to raise the rental to \$50,000?—A. There was quite a clamor about the amount being insufficient.

Q. Where did that clamor come from?—A. From the people generally.

Q. It was insufficient, was it not?—A. I do not think so.

Q. Yet you thought you could give \$20,000 more per year?—A. We thought we would try to, but a set of men who will undertake such a large enterprise as that and pay these Indians so much money ought to have something to compensate them for the trouble and risk.

Q. How soon after the lease was signed and this clamor you speak of was raised did you make the proposition to increase it to \$50,000?—A. I could not give the date, but I should think it was nearly two months.

Q. Whom did you make that proposition to?—A. That proposition was made in writing to the Secretary of the Interior at Washington, D. C.

Q. Had you had any correspondence with the Department before you approached the Indians here on the subject?—A. No, sir; I never had any correspondence or any conversation with the Secretary, or any other officer of the Government.

Q. Have you put any cattle on the reservation under your lease?—A. No, sir; not a hoof.

Q. None at all?—A. None at all.

Q. Do any of the parties you have named own any cattle grazing on the boundaries of this reservation anywhere?—A. They do not.

Q. You are making your home here in Montana. At what point do you reside?—A. I have a ranch on Rocky Fork, on the old portion of the reservation that was ceded to the Government. I have no stock on it.

Q. How near are you to the line of the reservation?—A. I join the present line.

Q. Are you opening that ranch with a view of making it the base of cattle operations?—A. Well, I shall start in the stock business on that ranch. That is my intention.

Q. Do you intend that your cattle shall graze off the adjacent land?—A. I expect them to graze on my own land and the public land adjoining.

Q. Is there anything between you and the reservation but the surveyor's line?—A. That is all.

Q. There is no stream?—A. No, sir.



Q. Have any other person established ranches along that line?—A. Yes, sir.

Q. When they turn their cattle out there do they drift over onto the reservation?—A. There are some cattle turned out there.

Q. There is no way of keeping them off the reservation, is there, when they are turned out to graze?—A. No, sir.

Q. Your ranch was established there with the view of letting your cattle graze on the reservation, was it not?—A. My ranch was established there because it was a good location and sufficient public land to graze quite a number of stock on outside the reservation. I had the advantage of seeing this land before anybody else, and knew where the line was.

Q. Did you buy that ranch with a view of using it in connection with your lease?—A. No, sir; when I located it, I had no idea of making the lease. I might have thought of it, but never had any plans formed or any idea that I would engage in such a thing.

By Mr. JONES:

Q. You say you had had no correspondence with the Interior Department before you came here to negotiate that lease?—A. I never had any in relation to the lease.

Q. Did you not bring Major Armstrong a letter from the Interior Department, upon which he acted in authorizing you to treat with the Indians?—A. Not a letter addressed to me. I never had spoken to an officer of the Department.

Q. Have any of your partners any cattle on this reservation?—A. No, sir; but there are quite a number of head over there grazing on the reservation. There is one man who has, I think, four or five thousand head.

By the CHAIRMAN:

Q. On this reservation now?—A. Nearly all of them.

Q. What is his name?—A. Story.

Q. How is it possible to keep cattle off the reservation that are grazing on land adjacent to it? Do not they get the benefit of it, almost of necessity, without paying anything for it?—A. Certainly they do. That is their object in fighting this lease. Almost every man that opposes this lease has some object, either to graze cattle on the reservation for nothing or to make a land grab.

Q. What do you mean by "making a grab"?—A. To get a large quantity of good land when the reservation is opened.

By Mr. JONES:

Q. How would you keep these trespassing cattle off if you got your lease?—A. I could not tell you; but we would try to keep them off unless they paid us a rental. We could not afford to pay \$50,000 a year and let other cattle graze there for nothing. There is another company, the Dilworth Cattle Company, that has as many as 5,000 head of cattle there.

By Mr. INGALLS:

Q. Where is his home ranch?—A. His home ranch is up on this ceded portion of the reservation that was cut off. Then there are quite a number of other cattle in small bunches.

By the CHAIRMAN:

Q. What do you know about any of the cattle that are grazing north of the Yellowstone being brought over into the reservation to graze?—



A. There is a herd up in the western portion of the reservation that used to belong, I think, to a squaw man.

Q. That is Briggs & Ellis's herd?—A. Yes, sir.

Q. Have you any idea of how many cattle are grazing on the reservation now belonging to people who have no permits? I understand Briggs & Ellis have a permit?—A. Briggs & Ellis and one or two others having small herds have permits, as I understand.

Q. Outside of them, have you any idea how many cattle are grazing on the reservation without any permits?—A. I should think there were about 20,000 head.

Q. Upon what do you base that estimate; have you seen them?—

A. I have seen cattle on the reservation in large numbers, and I have inquired of Story's men how many cattle he has. Sometimes they put it as low as 1,000 head, and others put it as high as 6,000 head. I believe there is 4,000 head, and, from the best information I can get, it is probably nearer 5,000 head. I go right through those cattle when I go to my ranch.

By Mr. INGALLS:

Q. Have these people any employes on the reservation?—A. Story has built cabins on the reservation.

Q. How far from the line?—A. The first cabin he built was about two miles and a half over the line, just below my cabin. The next cabin he built is about nine miles on the other side of the creek, on the east side of the creek.

By the CHAIRMAN:

Q. Do his herders live in these cabins?—A. Yes, sir. Another cabin has been built, about 14 or 15 miles this side of the reservation line. One of these cabins is not occupied now. It has no roof on it yet. It has been recently built. The other two have windows and doors, and look as if they were occupied. I have seen men in one of them, and I know they winter there.

Q. Has Story made other improvements besides that you have mentioned?—A. I have heard of another ranch or shack on Clark's Fork, built by Dilworth, and a corral, but I never saw it.

Q. Has Story any corral about his cabins?—A. There is one corral within 2 miles of my shack, that I think was built by Dilworth and is occupied by Story. It is a corral for branding purposes.

By Mr. INGALLS:

Q. Is it made of wire or rails?—A. Of poles. There is another corral, built near Clark's Fork, 10 or 12 miles away, which I never saw, but have frequently heard of.

Q. You say they round-up and brand there?—A. Yes, sir.

Q. How long has that been going on?—A. Story put his cattle on there last fall. I will correct my statement in reference to this first corral; it is just over the line, I believe; but the second corral, over on Clark's Fork, is on the reservation.

Q. Has Story interested himself in working up opposition to this lease?—A. I have heard so.

Q. Through whom?—A. I do not know. He has made a good deal of talk.

Q. Where does he reside?—A. Bozeman, Mont., is his home. Mr. Dilworth also opposes it.

Q. Where does he reside?—A. I think on his ranch. His postoffice is called Dilworth.

Q. Is it in Wyoming?—A. No, sir; it is on this ceded portion of the old reservation in Montana. Dilworth told me that if my lease was approved and I took possession under it and undertook to remove his cattle he would kill me. I told him I had heard men talk before, and did not get scared at such talk, and would wait until I got ready to move.

Q. When did you have this interview with Dilsmith?—A. Last fall.

Q. Whereabouts?—A. In Billings.

Q. There has been a good deal of opposition to this lease developed in Billings, has there not?—A. Yes, sir; that is the principal place it has come from.

Q. Do you know the men most active in their opposition?—A. Yes, sir.

Q. Give their names.—A. One of the most active men that opposes the lease lives at Junction City, on the other side of the Yellowstone, named Paul McCormick. He has done a great deal and said a great deal against it, and was very violent at times.

Q. What interest has he in opposing the lease?—A. He has a scheme to get the reservation opened and then build a town at Custer Station. He laid the scheme before me before the question of this lease was thought of.

Q. Who else has taken an active part against it?—A. H. H. Munn, of Billings, Montana.

Q. Is he a cattleman?—A. I don't know.

Q. Do you know him personally?—A. Yes, sir.

Q. Do you know anything about his interest in the matter?—A. He thinks it will greatly benefit the town of Billings to have the reservation opened so that people can settle across the river there.

Q. How is the town of Billings located in reference to the reservation?—A. It is just across the river, about a mile and a half from the reservation.

Q. And the Board of Trade of Billings have interested themselves in opposing this lease because they want the reservation opened for settlement?—A. Yes, sir; and for that reason they took part with Munn in opposing the lease. They said to me, when I was there the last time, that if they thought they could not get the reservation opened they would desire the lease to go on, because it would bring a good deal of money into the town. The cow-boys herding the cattle would spend their money there.

Q. You do not think they oppose the lease simply because of their great desire for the welfare of the Indians?—A. I do not think there is a man in Billings opposing this lease but what would take every acre of this reservation away from the Crow Indians and put them on the Bad Lands if they could do it. The editor of their paper said in my presence within two weeks that every Indian ought to be shot; that they had no rights and ought not to have any land, or words to that effect.

By Mr. JONES:

Q. What do you think of that policy?—A. I am a friend of the Indians, and always have been. I think this country rightfully belongs to them, and they ought to have the benefit of it.

By Mr. INGALLS:

Q. Do you know any persons who are particularly interested in the cattle business that have interested themselves in opposing this lease?—

A. I have heard that only a few of the cattlemen opposed it. Story and Dilsmith oppose it.

By the CHAIRMAN:

Q. Do not the cattlemen that graze their cattle on the other side of the Yellowstone, and whose cattle cross over into the reservation, oppose it?—A. Very few of them. One of the largest cattlemen here in this country, Mr. Lovell, of Lovell & Mason, when asked to sign the protest sent to the Department against the approval of this lease, declined to do it. He said he believed it was for the benefit of both the Indians and the whites; that the grass ought to be used, and if the reservation was not going to be opened the land ought to be leased.

Q. Do you know what company Mr. Tutt, of Saint Louis, Mo., is interested in?—A. He has taken an active part in opposing this lease, because he wants to get his cattle on the reservation without paying anything for it.

Q. Where does he have his cattle?—A. On the Musselshell, over on the north side of the river.

Q. How far from here?—A. Twenty or thirty miles.

By Mr. INGALLS:

Q. Do these people graze their cattle on Government land up there?—A. Yes, sir.

Q. They have free ranches?—A. Yes, sir.

Q. And they are opposed to anybody paying anything?—A. Yes, sir.

By Mr. JONES:

Q. Has Major Armstrong any interest in this lease?—A. He never had to my knowledge.

Q. If he had had, do you think you would have been likely to have known it?—A. I should think so. I did most of the business here in making the lease—nearly all of it. Mr. Wilson was here for a few days, but did not do hardly anything. I did the work; I talked to the Indians; I interviewed them. Before I had the council I talked to them and explained it just as I have to you to-day. I told them it was for their benefit to sell this grass, and when they got ready to sell to the Great Father, as they would have to sell it some time, then the Great Father would buy the ground and pay them what it was worth.

By Mr. INGALLS:

Q. Was there any inducement offered in the way of money, or anything of that kind, to the leading Crows to obtain their consent?—A. Not a dollar.

Q. Was any fund used, so far as you know, to be used in paying the Indians other than for legitimate expenses in connection with the matter?—A. Not a dollar. I don't know whether Wilson paid anything or not; but I paid the money out for natural ordinary traveling expenses, &c., only.

By Mr. JONES:

Q. Did you pay anything to any of the Crows?—A. I never did. I gave the Crows some cigarettes, as they like to smoke. I had been giving them cigarettes for nearly two years before I commenced negotiating this lease. It has cost me considerable money to feed these Indians. When I had a surveying camp on the reservation they used to come in every day and ask for something to eat. I never turned them away unless it was some low-down trifling Indian, so mean and contemptible

that I would not have anything to do with him. Like this fellow Bear Wolf, for instance; I would not give him anything.

Q. Was he opposed to the lease?—A. He was at first, and then afterwards came to me and asked me to let him sign it. I told him I did not care whether he signed it or not; that he did not have any influence.

Q. How many declined to sign?—A. I believe only two, and they both came to me afterwards and wanted to sign it, and one of them did sign it.

Q. How many who first declined to sign it afterwards signed it?—A. I do not think any declined when they understood it. They said they wanted to get together and talk it over. I talked with them and asked them what they thought about it; explained it to them, and they said they did not know, they believed it was good, but they wanted to talk when all were together.

Q. Is your present offer to the Indian Department of \$50,000 per year to be paid at once?—A. From thirty days after the date of approval, is my recollection.

Q. For how long a time?—A. As long as we keep it—for ten years.

Q. You insist on having a ten-year lease, do you?—A. Well, we never modified it in regard to the term.

Q. It was not your understanding, then, that the Interior Department had a right to terminate that lease whenever it saw fit?—A. I will not say what our views were on that, because I don't know as we could agree.

Q. It was not your understanding that the Interior Department had the right to require you to increase the amount of rental whenever it saw fit?—A. Yes, sir; it was. That was my understanding—that the Interior Department had no power to set aside the lease, but could see that the Indians were paid a reasonable compensation. The treaty with the Indians provides for the leasing of their lands.

Q. If the lease were approved your idea is that these lands could not be opened up for settlement by the Government for ten years?—A. I do not think so; but some of the partners differ with me. I think it could be opened myself.

By Mr. INGALLS:

Q. Major Armstrong stated this morning something in reference to the negotiations for this lease being apparently terminated at one time, and that you were afterwards approached by some of the Indians and asked to renew them. Please state the facts about that.—A. I will do so. I held a council with the Indians in the same room you were in this morning. I stated to them, explained everything about what we desired to do, and some of the Indians expressed their approval. Very little had been said against it among the Indians. When I got through talking to them the Indians had a talk and told me it was good. I terminated the council, and asked all the Indians that were in favor of the lease to come up and sign; that I did not want any Indian to sign it unless he thoroughly understood it and was in favor of selling the grass to us. One Indian then got up and threatened any Indian that would sign.

Q. Who was he?—A. Spotted Horse. He made a great uproar, threatening them in a violent manner, and told them to go out, and he got up and drove them out of the council-room like dogs. They all went away. That night a few chiefs came to see me. I met one of them at the door and talked a little to him. He expressed himself as favorable to the lease, and said I had better go on; that Spotted Horse did not



represent many men. I went to work packing my valise in order to take the stage that afternoon; but Bear-in-the-water, accompanied by several chiefs, came to me and told me not to go.

Q. Who accompanied him?—A. I do not recollect the names now; but he was the man who did the talking. There was quite a number of men with him. He came in and told me not to go; that it was good; that the Crows needed the money; that their children were crying for bread; that they wanted this money to keep their children warm and feed them, and that the grass did not do them any good. I told him that when I came there I thought I was going to talk to men, chiefs of Indians, and brave men, but that I had witnessed things I would not have believed if I had not seen them, viz., Crow Indians and chiefs driven out of their council-room like a pack of dogs. Bear-in-the-water said Spotted Horse did not represent the sentiment of the Crows, and that he would call another council; and said he, "Spotted Horse dare not interfere with it." I said, "If you want to call a council, call it." This is just as everything occurred, as nearly as I can recollect it.

Q. Was another council called?—A. Yes, sir.

Q. When?—A. For the next day. The Indians did not go away, and the council-room was full. I got up and made the first talk—

Q. (Interrupting.) Was Spotted Horse there?—A. Yes, sir; Spotted Horse was there, around the door and in the room. I saw him in the room while I was talking; I explained to the council what had occurred the day before, and told them that if they wanted this lease I wanted them to have it; that the best men among the Crows wanted it, I believed; but if they did not want it I did not; that I did not want them to be run by one man, or two or three men, but wanted a fair expression of opinion, and invited them to speak. Bear-in-the-water made a strong speech, threw his blanket down in the corner in a dramatic manner, and said, "The white man, is a brave man, and nobody dare interfere with him or me either. The Crows want this money; they want to sell this grass; the best Indians in tribe want it, and it is good"; and said he, "Nobody can break up this council."

Q. How long did that council last?—A. I spoke for fifteen or twenty minutes; then Bear-in-the-water spoke and some others followed, then they commenced signing the lease.

Q. How many signed it at that time?—A. I suppose one hundred—probably one hundred and fifty had signed it up to that time and that day, and in that council I got, I believe, nearly three hundred names.

Q. Did Spotted Horse participate in the proceedings at all?—A. He never spoke. The Indians have a way of proceeding which you noticed here to-day. One day you may call a council with them and they will all talk and oppose a certain theory. Another set of chiefs may call a council the next day, and they will all take the other side and nobody will talk against it while that council is being held. That is a way they have among themselves. Did you not hear them in council this morning say they would all talk one way?

Q. Did Spotted Horse ever sign the lease?—A. Yes, sir, he did. Either that day or the next day he came and asked to sign it after the council had closed. I did not have my witnesses there, and I told him I did not care whether he and Bear Wolf signed it or not.

Q. Did Bear Wolf sign it?—A. Yes, sir; I think so. I think his name is on the lease, but am not sure.

Q. Did any of the Crows in the council you have spoken of refuse to sign?—A. No, sir; not a Crow in that council refused to sign it. Bear



Wolf came to me and asked to sign it, and Deaf Bull, I am sure, signed it—at least, he came and asked me to sign it.

By Mr. JONES:

Q. Did any of the Indians sign except the chiefs?—A. I got all the chiefs and then nearly all the heads of families. I could have gotten every male Indian in the tribe; but I had staid here as long as I wanted to, had gotten 441 signatures, and did not think it worth while to get any more. I could have gotten every Indian. Some of the squaws came and wanted to sign.

By Mr. INGALLS:

Q. How has this opposition to the lease, which we witnessed this morning among the Indians, been produced?—A. By the people at Billings getting Bear Wolf and other Indians of that kind over there, and after filling them up and feeding them, telling them this lease would never do—that we had cheated them, &c.

By Mr. JONES:

Q. Your impression and understanding of the terms of this lease is that the Secretary of the Interior, if he sees fit to do so, can terminate it whenever he pleases?—A. I believe Congress can do it.

Q. Would you be willing to have a clause inserted in the lease authorizing the Secretary of the Interior to terminate it whenever the interests of the public required it, without any claim for rebate or anything of that kind against the Government for terminating the contract?—A. If you take the ground they can do it anyhow, it would be hardly necessary for me to agree to it. I would not answer as to that now. I am willing to do everything that is fair, right, and just to the Indians and white men. We want to protect ourselves, so we will not lose anything financially. We would have to take great risks, and the first year we could not get our money back; as we have to pay so much money right out. It would take us a year to get the stock on it.

Q. Do you propose to pay the rental annually on the lease, or when?—A. The lease provides that \$6,000 shall be paid within thirty days after it is approved, \$9,000 about the 1st of May following, and \$15,000 should be paid in the following November.

Q. And you are willing to have the increased amount you have offered increased in the same proportion?—A. Yes, sir.

By Mr. INGALLS:

Q. Is there any other statement you wish to make?—A. When you were holding the council this morning, if I had known you were going to adjourn it so soon I would have asked the privilege of asking the Indians some questions. You noticed that Crazy Head declined to express any opinion about the lease. He said, "I do not want to talk about that." I would like to ask them whether they prefer to have the western portion of their reservation opened to settlement or lease it to Blake & Wilson, or some other firm.

By the CHAIRMAN:

In other words, whether they would rather sell the grass or land. I think that is a matter for us to determine instead of them.

The WITNESS. I do not think Crazy Head is opposed to the lease today. I know Bear-in-the-water is not. I do not think any of the good Indians are opposed to the lease. This sentiment among the Indians against it has been worked up by outside white men who have designs

on this portion of the reservation, which they hope will be thrown open for settlement.

Major ARMSTRONG. It is the farming class among the Indians that are most in favor of the lease.

The WITNESS. The Indians all begged me to give them cattle instead of money, nearly every one of them. They also begged me for other things they thought I could get. They wanted me to get some Indians out of prison at Miles City, and wanted me to bring John Wesley back before they signed the lease. I told them I had not anything to do with John Wesley, that that was the business of the agent and Great Father. I said I would do what I could to get their men out of prison at Miles City, but that I had not power to assist them much there. I would, however, use my influence.

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*Testimony of Walter Matheson.*

ON THE TRAIN BETWEEN  
BILLINGS AND LIVINGSTON, MONT.,  
July 29, 1885.

WALTER MATHESON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Billings, Mont.

Q. How long have you resided there?—A. Three years.

Q. What is your business?—A. Insurance and real estate agent.

Q. Are you also engaged in the cattle business, or have you any capital invested in it?—A. No, sir; I am not interested in the cattle business, directly or indirectly.

Q. The town of Billings is located just across the Yellowstone from the Crow Reservation, is it not?—A. Yes, sir.

Q. Have you any information as to the character of the Crow Reservation that was embraced in the lease to Blake & Wilson?—A. Yes, sir; I have traveled over it.

Q. Describe the character of the lands that were included in that lease as briefly as possible.—A. Generally speaking it is a broken country, with a considerable quantity of grazing land; there are a number of streams which average about one hundred miles in length, and along these streams are valleys averaging a mile and a half in width—some wider—and in these valleys are first-class agricultural lands capable of being irrigated from these streams.

Q. To what particular streams do you refer?—A. The stream that constitutes the western boundary, Big Boulder Creek, the Stillwater, Clark's Fork, Fly Creek, Pryor Creek, and Pompey's Pillar Creek are the principal streams, I think, and there are a number of others.

Q. These streams you have named are all within what you understand to be the leased territory, are they not?—A. Yes, sir; all of them.

Q. What amount of agricultural land is there in the valleys of these streams?—A. It would be difficult for me to say, but I think I would be safe in saying that one-sixth of the land is agricultural land or capable of being made so by irrigation.

Q. But not such land as you could expect to get crops from without irrigation?—A. It is difficult to farm in this Territory without irrigation. To farm successfully in this Territory one has to irrigate. A farmer has to have water before he will risk putting money in a farm.

Q. Then the uplands out of these valleys you have mentioned are somewhat broken, but good grazing lands?—A. Yes, sir.

Q. Is any part of this land occupied by Indian settlements?—A. Very little of it. You will occasionally find a squaw-man settled on it with his squaw, but the settlements are elsewhere on the Little and Big Horn Rivers. I have traveled this leased land all over without meeting a person.

Q. The grazing lands are first-class, are they not?—A. Yes, sir; it is good grazing land, about such land as would average thirty acres to an animal I suppose.

Q. Are you acquainted with the rate of these grazing lands as to what would be a fair rental value either per head of cattle or per acre of land?—A. Not so well as some of these other gentlemen. I would not like to say.

Q. Do you know whether there are or not any cattle grazing now upon this land?—A. I do; there are.

Q. Whose cattle are they and about how many?—A. There is a good sized herd belonging to Briggs & Ellis.

Q. They have a license, have they not?—A. Yes, sir; they had a license. They bought some cattle originally from a squaw-man, but since that they have made a large purchase from a man named Chapman living near Stinking Water, in Wyoming, and they have drove these cattle into the reservation.

Q. Are there any other cattle on the reservation?—A. Yes, sir; a good many cattle have been put on. Mr. Story has a herd that I am personally aware of. They were put on the boundary just at the edge of the reservation in Gallatin County, and naturally strayed over.

Q. They were put on the strip of land that was a few years ago ceded by the Crows to the Government?—A. Yes, sir; in Gallatin County, near Red Creek.

Q. How many cattle do you think Story has there?—A. Do you mean on the reservation?

Q. Yes, sir.—A. I could not say.

Q. How many cattle are in his herd?—A. I do not know. He is one of the largest cattle-owners in this part of the country. I merely know, from passing through on horseback, that there is a large quantity of cattle grazing on the reservation with his brand on them.

Q. Has he sufficient range outside the reservation for the herd he has there?—A. Yes, sir; for them and lots more, too.

Q. You do not know whether those cattle were placed there with the view of having them graze on the reservation or not, do you?—A. Giving him the benefit of the doubt, I will say that it was a lucky circumstance that they were put there so close to the reservation and strayed over.

Q. Does he pay any rent to the Indians?—A. I believe not, according to the best of my recollection.

Q. Are any other cattle grazing on the reservation that you know of?—A. Mr. Ash has some cattle there, but I understand he has a permit from the agent.

Q. Are there any other herds?—A. I cannot think of any others just now. I have given more attention to the minerals in this Crow Reservation than I have to the cattle.

Q. The citizens of Billings have indicated to the committee that they are opposed to the Blake & Wilson lease. Do you know upon what grounds they base their opposition, and what their views are as to what should be done with the reservation?—A. Yes, sir.

Q. State as briefly as you can.—A. In the first place the opposition to the lease arises from the fact that trouble would ensue between the cowboys and the Indians if the lease was consummated.

By Mr. JONES:

Q. Why?—A. The Indians are opposed to it. We know by conversation with the Indians through interpreters that there is a firmly expressed opposition to the lease and a determination not to let the cattle on. Hints are thrown out that the cattle will be killed, and it is only fair to conclude that when the cattle are killed the cowboys will make reprisals, and we fear that should the cowboys and Indians come in contact the Indians would not distinguish between white men, and that the settlers along the river would be unable to defend themselves.

Q. Do you think it is more likely that there would be trouble between the cowboys and Indians if the cattle were on the reservation under lease than there would be to have them on there without any authority at all?—A. I think under the circumstances of this lease there would be trouble. The whole matter has been extensively talked over among the Indians; they know how it was signed, and they are now opposed to it, and if the cattle should be put on without consulting them their minds are in such a shape that there might be trouble.

By the CHAIRMAN:

Q. Do I understand you to say that the Indians would rather let the cattlemen graze their cattle on the reservation without pay than to be paid for it?—A. No, sir; that is hardly what I mean to say. I say they know how this lease was signed—

Q. (Interrupting.) They know cattle are on their reservation now without authority?—A. Yes, sir.

Q. Why don't they make trouble about it now?—A. They do object seriously, but where there is one hoof now there would be several hundred under this lease and multiply the evil. They grumble seriously now.

Q. What do you think are the views of the people of Billings, and the people along the boundaries of the reservation, as to what ought to be done?—A. They want the reservation reduced; they want the Government to open it for settlement. Settlers have been waiting here three years for the opening of the reservation; men that are farmers and will improve the land and make it productive. There are hardly any Indians in the upper part of the reservation. They congregate around the agency and do not use this part of the reservation at all. That being so, the white people say, "let the reservation be open, so that settlers can go in and improve the land."

Q. You say about one-sixth of this land, included in the lease, is agricultural land. How is it as to the other five-sixths?—A. It is valuable on account of the minerals it contains; it is as rich in certain sections as any of this Territory, probably any in the country.

Q. Whereabouts?—A. The Stillwater country for one and the Pryor Mountains for another.

Q. In what shape are the ores deposited—in placers or pockets?—A. In the Stillwater country there are large leads, some of which can be traced for several miles carrying copper and silver and some leads carry gold. There is one lead there that is said to be one of the most extensive copper leads in the country, having a large percentage of copper. Of course, men will go into this reservation and prospect in spite of the law and it has been demonstrated that portions of the Stillwater coun-



try is a very valuable mineral country; the leads are broad and prospecting favorable. There are also valuable leads of gold in the Pryor Mountains. Men have been waiting for the last sixteen years in hopes that the reservation would be opened so they could develop some of these leads. It has been part of my business to get such facts as I could about minerals, and I have talked with almost every prospector in the country that has resided here, and there is no doubt but what a very rich mineral country is covered up by the reservation. The Indians do not work these leads; they do not know how.

Q. As to the grazing lands; what policy would you suggest as to them?—A. Well, I don't know.

Q. Do you think the Government ought to open them for settlement, lease them to cattlemen, or what?—A. I do not really know what policy to suggest as to that.

By Mr. INGALLS:

Q. Your views relate only to the one-sixth of the land that is included in the valleys of the streams?—A. That and the mineral lands. I also know, from personal knowledge and observation, that there are large beds of coal of the best kind on Clark's Fork and Rock Creek. Another member of our delegation, who has knowledge of coal and deals in it, will testify about it. There has been one or two mines opened just outside of the reservation, that supply this country to some extent. Other mines have been opened by squaw-men on the reservation, who have attempted to sell to the people in town, but were stopped by the agent. This coal shows up in large seams, and can be readily gotten out. A wagon can be driven right up to it. That coal will be locked up if this lease to Blake & Wilson is approved, and we want to get the benefit of the coal.

Q. Is there anything else you desire to say?—A. I was going to say that I was one of the delegation who took the testimony of one hundred and twenty-five Indians over at the Crow Agency last winter.

Q. The testimony taken at that time has been furnished the committee, and we have it with us.—A. I do not know whether you have heard the manner in which it was taken, or not. It has been charged by the agent that coercion was used, and I want to take occasion to say that that charge is untrue. The testimony was taken in the presence of the agent's clerk and two Government interpreters, but we used our own interpreter. We did not select the Indians. We got together every Indian that could be scraped or raked up by Indian policy, and every Indian was sworn according to their method, and of the 125 Indians sworn, only one declined to say he did not want the lease, and he would not say whether he wanted it or not. In this number there was quite a number of chiefs recognized by the Government (twenty-six chiefs, I believe, of this tribe) that expressed their feelings freely. We had had no previous communication with them, we simply asked them why they signed the lease, and the bulk of them answered they signed it under a mistaken apprehension.

By Mr. JONES:

Q. Did you or any of your associates make any presents to the Indians or distribute any money among them?—A. No, sir; not in any way, shape, or manner. We had not any money. We went there at our own expense. Nothing of that sort was done; not ten cents was given to them. While we were at the agency we were in the presence of the agency employes and interpreters, and we had no opportunity of conversing privately with the Indians.



Q. I do not mean at the agency; but was anything of that kind done by you or any other person away from the agency?—A. To the best of my knowledge there was not; I never knew of such a thing; such a thing was unauthorized; there never was a dollar collected for that purpose. I have no doubt but what the great bulk of the Indians are strongly opposed to that lease.

By Mr. INGALLS:

Q. How many of these Indians are there?—A. The tribe numbers 3,500.

Q. And you took the testimony of 125?—A. Yes, sir; but recollect that a chief represents his band, and we got the testimony of more than half the tribe through their chiefs. We endeavored to get all the chiefs, but some lived at a distance of 100 miles. One, that represents a large band of the Indians, Plenty-Coos, that was opposed to the lease, was not there. If he had been there we would have had two-thirds of the Indians represented by the chiefs.

Q. What is the principal business of your town?—A. We supply a radius of 150 miles with goods.

Q. The occupation, I mean, of the inhabitants?—A. It is like almost any other town. There are butchers, bakers, dry-goods merchants, &c.

Q. I mean what is the particular industry of your country?—A. Billings is quite a cattle center. It is the shipping point for a considerable radius. Some of the principal men of the town are cattlemen and make the town their headquarters.

Q. Where do they graze their cattle?—A. On the Yellowstone and Mussel-Shell ranges, and on different ranches between this place and Meagher County.

Q. On the public land of the United States?—A. Yes, sir.

Q. They pay nothing for it?—A. No, sir.

Q. Do any of the cattlemen around Billings pay anything for grazing their cattle?—A. No; except on the reservation. It is considered free grazing on the public domain.

Q. When you say that the compensation offered for this lease was inadequate, what do you base the statement on, if nobody around here pays any rent for grazing cattle?—A. My information is that since the lease was made Blake & Wilson have increased their offer to \$40,000, one-third more than they offered at first.

Q. You say no person around here pays anything for grazing lands?—A. No, sir.

Q. The cattle are herded and grazed on the public land, without charge?—A. Yes, sir.

Q. Is there not among the cattlemen here of Billings a very decided objection to this Blake & Wilson lease of the Crow Reservation?—A. That depends on whether they stand in with the syndicate or not. If they see any money in it for their own pocket, they favor it, but if not, they do not favor it.

Q. The cattlemen who are grazing their cattle on the reservation without paying for it are opposed to it, I suppose?—A. I should judge they ought to be, but I have not talked with any of them.

Q. Do you know anything about this man Story; where does he live?—A. At Bozeman.

Q. Where is that?—A. That is the county seat of Gallatin County, Montana.

Q. You regard it as a very happy accident that he located his ranch right on the edge of the reservation?—A. Yes, sir.

Q. You think that was simply a happy accident?—A. Yes, that is probably as well as I can describe it. It was what I would call a "soft snap," but not half so soft as the Blake & Wilson lease, because, speaking of the compensation, I will venture to say that men can be got who will give double what they offer.

Q. Why should they pay for grazing cattle when they can graze them for nothing?—A. The ranges are becoming crowded, and the cattlemen would rather lease the public domain than graze their cattle for nothing, because they would then have control of their own range.

Q. That is, they would rather pay for grazing their herds than graze them for nothing?—A. Yes, sir; they would rather pay a reasonable sum, for the reason that they can then control their ranges and keep other people's cattle off it.

Q. Is the cattle business increasing in this part of Montana?—A. It has increased considerably in the last three years.

Q. You spoke of the value of these valleys for agricultural purposes if irrigated. What is the expense per mile of constructing an irrigating ditch?—A. It depends upon where it is constructed.

Q. Take this Yellowstone bottom that we are now passing through; what was the cost of this ditch we see on the side of the road?—A. I am not prepared to say.

Q. How many acres of land will a mile of ditch under ordinary circumstances irrigate?—A. I could not say as to that. I know that this valley can be more easily irrigated than other valleys, because the slope is even from the streams.

Q. Do you want the Government to buy all of this land that is fit for cultivation, when irrigated, in the Crow Reservation, and give it to settlers?—A. No, sir; we want the reservation opened—timber land, grazing land, agricultural land, and all. We do not want any outside parties to come in and by a large lease lock up the country.

Q. The policy you suggest only applies to the valley lands and mineral lands, does it not?—A. The value of the grazing land is insignificant as compared with the mineral land locked up. Part of the reservation has never been surveyed. It is rough in the foot-hills and mountains and extends over quite an area of country. Coal crops out over a large part of it, and good coal, worth more than the rent of the land for twenty years.

*Testimony of F. M. French.*

F. M. FRENCH sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Billings, Mont.

Q. What is your occupation?—A. I am dealing in coal and farming some.

Q. Are you farming near Billings?—A. Yes, sir.

Q. How extensively?—A. I have about five or six hundred acres right there, but only expect to put a hundred acres under cultivation this year.

Q. Have you any knowledge of the cattle business?—A. No, sir.

Q. Do you raise grain on your farm?—A. Yes, sir; I have some oats this year and other grain.

Q. Do you conduct your farming operations by irrigation?—A. Yes, sir.

Q. With what success?—A. Very good success; I have a nice crop this year.

Q. How many bushels of oats to the acre do you get in this country?—A. The hail storm we had a week ago Sunday knocked at least five bushels per acre off my entire crop, but still I think it will go now all of forty bushels to the acre.

Q. Then you think you would have had forty-five bushels to the acre if it had not been for the storm?—A. Yes, sir.

Q. Can these valleys, where they are capable of irrigation, be made to produce such crops at that?—A. Yes, sir.

Q. You say you are also engaged in the coal business?—A. Yes, sir.

Q. Do you sell any coal mined in this vicinity?—A. We sell our native coal; yes, sir.

Q. Are you acquainted with the Crow Reservation, near Billings?—A. Yes, sir.

Q. I suppose you desire to speak to us in relation to the mineral resources of the reservation?—A. Yes, sir; the coal more particularly.

Q. Please tell the committee about any deposits of coal on the reservation that you know of.—A. I have examined probably every body of coal around this country anywhere that I have ever heard of. On Rock Creek and Clark's Fork, across from Park City about fifteen miles, there is a vein of coal about twelve feet thick—nice coal. Most of the experts that have examined it say it is bituminous coal superior to any thing found here.

Q. Have any of the veins been opened?—A. Yes, sir; on this part of the reservation that was thrown open three years ago there are coal banks, and veins have been opened. There is one vein sixteen feet thick of solid bituminous coal.

Q. Do you know whether any experiments have been made to ascertain whether it is coke coal or not?—A. It will coke 40 per cent.; that is hardly enough to pay.

Q. In what parts of the reservation do you find these coal deposits?—A. This principal coal vein I spoke of is on Clark's Fork and Rock Creek. I have also seen a number of coal leads down on Blue Creek and Pryor Creek, another vein on Fly Creek, and have also seen different veins on Spring Creek.

Q. What would be the area embraced in this region underlaid with coal? How many square miles or acres would it include?—A. It probably occupies an area of fifty by sixty or seventy miles.

By Mr. INGALLS:

Q. All underlaid with coal?—A. That I could not say; but the indications show that most of it is underlaid by coal. Of course some of the mines might be lower than others; it is not all on the same level.

By the CHAIRMAN:

Q. Have you made any observations on the reservation as to other minerals?—A. I do not know but little about other minerals. I have visited these copper mines, and have seen a great many specimens of different quartz that came from there, bearing copper and silver principally, but some gold.

Q. Do you believe, from what you have seen, that these coal mines could be successfully and profitably worked if opened?—A. Yes, sir; I am positive they could.

Q. How far are they from the railroad?—A. There was a survey made,

starting below here about 30 miles, from the first station this side of Billings, out to the mines that are located outside of the reservation, and it was 42 miles.

Q. Was the survey made by the railroad company?—A. Yes, sir; it was just a preliminary survey made by the Northern Pacific Railroad Company. Jim Hill, of Saint Paul, Minn., a coal man, was out here, and I showed him the coal and he was completely carried away with it.

Q. He is the coal agent of the Manitoba road?—A. Yes, sir; he operates their coal mines.

Q. Is there any other statement you desire to make in reference to this matter?—A. Nothing in particular, more than to speak of the cattlemen and the grazing here. Most of these men around here own their ranches and graze most of their stock on their own ranches; but of course when cattle are turned loose they will take a good deal of land, and some of them graze on the public domain. The cattlemen in this country would be willing to pay rent for the land if they could inclose it and exclude other cattlemen.

By Mr. INGALLS:

Q. Do not these cattlemen now exclude other cattle from their ranges?—A. No, sir; all the cattle are mixed up.

Q. There is no cattle syndicate that keeps all cattle but their own off their range?—A. No, sir; I do not know of any such syndicate or firm. I do not see how they could do it without great expense to themselves and injury to their own cattle.

Q. Where do you get your coal from now?—A. From Bozeman.

Q. How many miles is that from here?—A. One hundred and twenty-five miles from Billings.

Q. Describe that coal.—A. It is a very peculiar coal. It is a bituminous coal, but very fine; they get a very fair per cent. of coke out of it, but it is not a good heating coal for domestic purposes.

Q. Is there sulphur in it?—A. Not a great deal.

Q. How much does it cost you delivered at Billings?—A. It costs about \$5.25 per ton delivered in Billings.

Q. What does it cost at the mines?—A. Four dollars and fifty cents at the mines.

By the CHAIRMAN:

Q. Do you know anything about the cattle on the reservation? If so, state.—A. Yes, sir. I am assessor of Yellowstone County. I recently wrote a letter to the Secretary of the Interior in relation to assessing the cattle on the reservation for taxation in this county. This portion of the reservation was annexed to Yellowstone County last winter by the legislature for judicial purposes, and these cattlemen over there have never paid any taxes on their cattle ranging on the reservation. There are men living in Billings and other places that range their cattle over there and have their homes here. If any of their cattle are killed or stolen they come to this county for protection, bring the criminals here, and try them at the expense of the county, but get rid of paying taxes. I wrote to the Secretary of the Interior in regard to it, and his answer indicates that they can be taxed.

Q. Have you that correspondence?—A. Yes, sir; here is his letter to me. [Handing letter to the chairman.]

Q. Have you a copy of your letter to him?—A. No, sir; but his letter recites the substance of my letter to him almost verbatim.



Q. Will you furnish a copy of this letter to the stenographer, so he can embody it in the record?—A. Yes, sir. The letter is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., July 13, 1885.

SIR: I am in receipt of your letter of the 2d instant, from which it appears that the Crow Indian Reservation was by an act of the fourteenth legislative assembly of Montana annexed to Yellowstone County for judicial purposes; that there are several parties resident in said county who pay to the United States Indian agent, H. J. Armstrong, so much per head for ranging their cattle on the reservation, but who refuse to pay the county taxes on such stock, these same parties looking to the county for protection against thieves or any injury to their interests in the way of killing or stealing stock, and you desire to ascertain whether or not you have a right to assess them and compel payment as in other cases.

In reply I have to say that in the case of *Langford vs. Monteith* (102 U. S. Rep., 145) the Supreme Court of the United States held that where no clause excluding the lauds of the Indian tribe from State or Territorial jurisdiction, or language equivalent thereto, is found in a treaty with the Indians, then the exterior limits of such State or Territory are subject to its jurisdiction, so that process may run there, however the Indians themselves may be exempt from that jurisdiction. The court further held in the case cited that "as there was no such treaty with the Nez Percé tribe, on whose reservation the premises in dispute are situated, and it being a suit between white men, citizens of the United States, the justice of the peace had jurisdiction of the parties, if the subject-matter was one of which he could take cognizance." In view of this decision, and considering the fact that no clause excluding the reservation from State or Territorial jurisdiction is found in the treaty with the Crow Indians of May 7, 1868 (15 Stats. at Large, 649), it would seem that the Territorial officers have a right to enforce payment of taxes on the property of citizens of the United States within the limits of the reservation. The subject, however, is one which, in case of dispute, is more properly for the Territorial courts to determine.

Very respectfully,

JNO. D. C. ATKINS,  
Commissioner.

F. M. FRENCH, Esq.,  
County Assessor, Billings, Mont.

Q. I notice in this letter from the Commissioner of Indian Affairs which you have presented that the stock to which you refer seems to be the stock of parties resident in your county who have license from the agent of the Crows to graze their stock upon the reservation?—A. Yes, sir.

Q. Were there other persons besides those residing in your county that had stock upon the reservation on which they paid no taxes?—A. I could not say that there were any persons not residing in our county that had stock over there who did not pay rental for their grazing, but there is lots of stock grazing there that pay no rental for it.

Q. Where did the stock come from that is grazing on the reservation without license?—A. From different places around. Mr. Story has a great number over there. He has moved over there four or five thousand head anyhow.

By Mr. INGALLS:

Q. Did he put them on to the reservation?—A. His ranch is just over the line of the reservation, and he turned his cattle out there and they naturally would drift over on to the reservation.

Q. He turned his cattle out near the imaginary line separating the public domain from the reservation?—A. Yes, sir.

Q. And the cattle did not stop at that line?—A. No, sir.

Q. Do you know of any other cattle on the reservation besides Story's herd?—A. Briggs & Ellis has a herd there, but they have a permit.

Q. Have they more cattle there than they have a right to under their permit?—A. I should suppose they have. They have been adding to



their herd right along. A number of different parties have cattle there Peterson & Peirson have cattle there.

Q. Where are their headquarters?—A. Peterson lives over in this county, and Pierson lives in another place; I don't know definitely where. They do not own a great number of cattle. Then there is the McDonald Brothers, who live on that portion of the reservation ceded a few years ago, that have cattle ranging on the reservation. Then there are some Arkansas men whose cattle range there.

Q. You say you are assessor of personal property in this county?—A. Yes, sir.

Q. What portion of the existing reservation falls within the limits of your county?—A. Down its west line to the Wyoming line, down the Wyoming line to the head of the Little Big Horn, down the Little Big Horn and Big Horn to the junction of the Big Horn and Yellowstone Rivers.

Q. All of the reservation nearly is in your county?—A. Yes, sir.

Q. Have you been over it to see how much property is on it that is subject to taxation?—A. No, sir; I have just received that letter from the Commissioner, and will now do so.

Q. So you have not any definite information as to the number of cattle grazing there now?—A. No, sir; I have not.

Q. Do you suppose there are 10,000 head grazing on the reservation unauthorized?—A. Well, I should presume there was something near that number.

Q. At least that, you think?—A. Yes, sir; I should think so.

Q. That pay nothing so far as you know to anybody?—A. No.

*Testimony of F. W. Lee.*

F. W. LEE, sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Billings, Mont.

Q. What is your business?—A. County clerk.

Q. How long have you lived at Billings?—A. About eight months.

Q. How long have you lived in the Territory?—A. Five years.

Q. Are you acquainted with the Crow Reservation?—A. I am.

Q. How did you acquire your familiarity with the lands in the Crow Reservation and how much information have you about it?—A. The firm of which I was a member were Indian traders at the Crow Agency for four years.

Q. Where was the agency located at that time?—A. On Rosebud Creek, and also on the Little Big Horn.

Q. Have you traveled over the greater part of the reservation?—A. I have traveled over the greater part of it west of the Big Horn.

Q. Do you know the lines of the Blake & Wilson lease?—A. I do not, except from report.

Q. That is what I mean. That lease embraces how much of the reservation west of the Big Horn?—A. I should think from one-half to two-thirds, as I understand it. I do not know that I understand it correctly.

Q. What is the character of that land west of the Big Horn embraced in the Blake & Wilson lease?—A. Mineral, agricultural, and grazing lands.

Q. What do you know about the mineral lands—their character and extent?—A. The mountains are pretty well filled with minerals—as full

as any mountains; that is, Clark's Fork Range and the Pryor Mountains.

Q. Part of the Clark's Fork Range was taken out of the reservation three years ago?—A. Yes, sir.

Q. And on that portion the mines is being worked to-day?—A. Yes, sir.

Q. Have you examined any of these leads of copper, silver, and gold to learn anything about them?—A. Not on the reservation personally.

Q. What do you know about any coal deposits on the reservation?—A. I know there is coal on Clark's Fork, Rock Creek, and at other points on the reservation.

Q. Have you made any examination so as to be able to state anything about the extent of the deposits or the character of the coal?—A. I don't know that I have. I know I have examined a number of leads, but as to knowing what extent of country is covered I don't know.

Q. You are not an expert?—A. No, sir.

Q. Now as to the agricultural land. What proportion of agricultural land is found west of Big Horn?—A. It would be difficult to state what proportion. There are a number of streams that have been mentioned, and all those streams have tributaries that have agricultural land along their borders.

Q. The agricultural land is along the bottoms of these streams, where it is capable of being irrigated?—A. Yes, sir; I should say from one-sixth to one-eighth of the reservation is agricultural land.

Q. You do not include in that estimate any part of the valley of the Big Horn, do you?—A. I do.

Q. Excluding the valley of the Big Horn, what amount of agricultural land is found in the west part of the Crow Reservation?—A. Do you mean by that the valley of the Big Horn and its tributaries?

Q. Yes, sir.—A. I should say about the same. Of course I count the tributaries of the Big Horn west of the divide.

Q. Excluding the valley of the Big Horn and its tributaries there, what part of the reservation lying west of the Big Horn is agricultural land?—A. I should say one-eighth of it is agricultural land.

Q. What is the character of the balance of the land?—A. Grazing and mineral lands.

Q. Are the grazing lands well watered?—A. Yes, sir; unusually well watered.

Q. Is there a good shelter for cattle?—A. Yes, sir.

Q. Are you one of those people who were opposed to the making of the Blake & Wilson lease?—A. No, sir; I was not.

Q. Is there anything else you desire to state?—A. Nothing, unless you wish to know something in regard to the cattle on the reservation. I am somewhat familiar with the reservation, being located there four years.

Q. How many unlicensed cattle are there on the reservation now?—A. I do not know what cattle are licensed and what are not.

Q. State generally the number of cattle on the reservation?—A. I should say there were about 15,000 head of cattle ranging there now.

Q. You don't know what proportion of these cattle are on the reservation under authority?—A. No, sir.

By Mr. JONES:

Q. How long have they been there?—A. Well, aside from the Briggs & Ellis herd, I should say twelve months—from that to two years; part of them two years.

Q. What part of them have been there two years?—A. Not a great many. Most of them have been put on within the last twelve months.

Q. Do you think two or three thousand have been there two years?—A. I should say two or three thousand.

Q. How many cattle do you think Briggs & Ellis have on the reservation?—A. I do not know, but I should say at least 3,000 that I know of from common report. I know they have been buying, and I know of their having bought what was said to be that number, but never believed it was so.

Q. What other persons have cattle on the reservation?—A. Mr. Wilkerson, of Billings; Mr. Ash, of Billings, and Mr. Caldwell, of Stillwater. The last man named is located just across from the reservation, and his cattle drift back onto it. The other two are located on the reservation.

Q. Are Mr. Story's cattle included in this estimate you gave us?—A. They are included in the 15,000 head.

Q. How many cattle have these different parties, according to your information, that are grazing on the reservation?—A. From common report Mr. Story has from 12,000 to 15,000 head, and a large portion of them are on the reservation, but not all of them by any means. I should say the majority of them are. The other herds are mostly small, containing from one to two hundred head.

By Mr. INGALLS:

Q. The tendency is toward the entire occupancy of the reservation by unauthorized persons for grazing purposes?—A. Yes, sir.

Q. If the present system is allowed to continue unchecked, how long do you think it would be before the reservation would be covered to its full capacity with unauthorized cattle?—A. Two or three years.

*Testimony of William B. Webb.*

WILLIAM B. WEBB sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Billings, Mont.

Q. The committee desire to be informed as to the cost of irrigation in this Territory, and I wish you would state what you know about the system of irrigation adopted in this valley and the cost of irrigating it as compared with the cost of irrigating the valleys in the Crow Reservation.—A. The irrigation of this valley is very much more expensive than it would be to irrigate the valleys in the reservation.

Q. Give the dimensions of this large ditch alongside of the railroad track.—A. It is, in round numbers, 30 feet wide and 4 feet deep.

Q. How long is it?—A. It commences above Young's Point, on the Yellowstone, and terminates at Billings, and is 38 miles long.

Q. What will it cost when completed?—A. One hundred thousand dollars.

Q. What number of acres do you expect to irrigate with it?—A. Twenty-five or thirty thousand acres.

Q. What will be the annual expense of operating it?—A. Very light; say \$2,000 or \$3,000.

Q. And the cost per acre to the person buying the water?—A. The annual charge is 75 cents per inch.

Q. How many inches would be required per acre?—A. They irrigate about two or three times in a season. I could not say as to that.

Q. What will it cost to supply an acre of land in the valley here with water from this ditch sufficient to insure a crop?—A. It costs a farmer that has 160 acres of land about \$25 per season.

Q. For the 160 acres?—A. Yes, sir.

*Testimony of F. M. French (recalled).*

I use 150 inches of water on about 160 acres of land, costing 75 cents per inch per annum.

By Mr. JONES:

Q. What do you mean by an inch of water?—A. What will flow through a hole an inch square, flowing all the time. They have it arranged so it can be stopped up.

Q. A constant flow of water through a hole an inch square is what you call an inch of water?—A. Yes, sir.

*Testimony of William B. Webb (resuming).*

By the CHAIRMAN:

Question. I will ask you whether the irrigation of these valleys, that have been spoken of, in the Crow Reservation, would be more or less expensive than to irrigate here on the Yellowstone?—Answer. It would be a great deal less expensive, on account of the greater fall in the streams on the reservation from which the water would be taken.

*Testimony of A. M. Quircy.*

A. M. QUIRCY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I am a deputy marshal, and have been some eight years along the Yellowstone here. My post-office address is now at Billings.

Q. How long have you lived in this Territory?—A. About fifteen years.

Q. Have you a large acquaintance with the lands in the Crow Reservation?—A. I think I know them as well as any white man could know them. I have been in the Crow Reservation off and on for fourteen years, traveling over it a large portion of that time in Government employ.

Q. In what employment?—A. I was first employed at the Crow Agency to bring the River Crows from the Missouri River, that is, induce them to come to the reservation to live. I traveled with them, living over there about two years in Government employ, or a little more. I was then employed by the military authorities at Fort Keough as a scout, and had charge of the Crow Indian scouts. Afterwards I was in the employ of the agency for some time, and for the last eight years I have been a deputy marshal on the reservation.

Q. So you have traveled pretty much over the entire reservation?—A. Yes, sir.

Q. Can you tell us what portion of the entire land on the reservation is susceptible of cultivation?—A. I should think there was about 250 square miles on the reservation capable of cultivation; I mean that amount of land that could be easily irrigated.

Q. That land is located in the valleys of the streams?—A. Yes, sir.



Q. How is the reservation watered?—A. Generally well watered; perhaps better watered than any other portion of the Territory except, possibly, the Gallatin Valley, which is better watered than any other portion of the Territory east of the Rocky Mountains.

Q. How do these streams lay in reference to the valleys; would irrigation be easy and inexpensive or not?—A. Generally easy and inexpensive. On the Yellowstone it is quite expensive, but on the reservation most of the land can be irrigated by ditches from the smaller streams, and those are easily controlled.

Q. How is it as to the grazing land on the reservation?—A. I think the Crow Reservation will support twice the amount of stock per square mile that the rest of the Territory will, for the reason that it lays along mountains, has a better soil, and is well watered.

Q. You think it will support twice as many cattle to the acre or square mile as the territory north of the Yellowstone?—A. Yes, sir.

By Mr. JONES:

Q. How many acres would it take to support one steer?—A. I am not a cattle man. I know grass when I see it, but never had the control or management of cattle.

Q. In the Territory what is the average number of acres required per head for stock?—A. I do not know. The stock men usually tell me that the Territory is overstocked now, but outsiders think it is not.

By the CHAIRMAN:

Q. Do you know anything about the mineral lands in this reservation?—A. Yes, sir.

Q. Tell us what you have noticed on the reservation as to mines.—A. On the Stillwater, flanking this Yellowstone range, there is a large lead of copper ore. Parties have looked at it with the view of putting in reduction works, and have signed articles for that purpose. I am interested there with others, but have no title. We have been waiting for it to be thrown open for the last twelve or fourteen years. There is the largest cropping of copper on there that exists in the United States. I have a few specimens of the ore with me that I picked up this morning; there is one [handing a piece of ore to the Chairman]; it is not very fine looking, but assays very high.

Q. Where is this lead?—A. It is pretty near the reservation line, where it crosses the Stillwater.

Q. But not on the reservation, is it?—A. I think it is. Some parties appear to think it is not, but I am so certain that it is that I do not dare record the claim, as I would have to swear it was in some county outside of the reservation. There will be 10 tons of it sent to Saint Paul right away, to the party that signed the articles to put in reduction works for assay.

Q. How is it as to precious metals?—A. A good deal of this copper ore is rich in silver, with some gold.

Q. What do you know about deposits of coal on the reservation?—A. There are immense fields of coal on the Rosebud, Stillwater, &c., and within  $2\frac{1}{2}$  miles of this copper lead excellent coal crops out that the men working this copper lead used in sharpening their tools, and on the Rosebud and other tributaries of the Stillwater coal-veins are found running through to Rock Creek. On Rock Creek, about 12 miles from the Yellowstone, on the west side of Clark's Fork, is the best coal found in the Territory. It sells for \$2 per ton more at Billings and Miles City than any other coal found in the Territory.



Q. That is on the reservation?—A. Yes, sir; twelve miles from the railroad. There are also a great many other veins cropping out on Rock Creek all the way up. A man married to a Crow woman has opened that mine I have spoken of, and sells the coal in Billings. That is the only place any coal has been taken from. There has been no coal taken from these mines on the Stillwater and Rosebud to be used for any purpose, except that taken out of one vein to sharpen the tools and by the men working in this copper vein. The Pryor Mountains are supposed to be rich in gold, silver, and copper. Some ten years ago it was reported by a party that they had struck a rich mine there, but as it was on the reservation I induced them to leave. In regard to the agricultural land on the reservation, when you asked me how much agricultural land there was in the reservation, I supposed you meant the whole reservation. There is not the amount of agricultural land I have mentioned on that part of the reservation proposed to be leased at all.

Q. I understood you to speak of the whole reservation.—A. Yes, sir; on that part of the reservation which it was proposed to lease there is of arable land on the Yellowstone, between Pompey's Pillar and Pryor Creek, about 40 square miles; on Pryor Creek, 35 square miles; on Clark's Fork, 40 square miles; on the Yellowstone above Pryor Creek, 40 square miles; on Rock Creek, Red Lodge, &c., 20 square miles; on the Rosebud, Stillwater, &c., 20 square miles, and on the Little Horn, Big Horn, and Yellowstone, below Pompey's Pillar, 200 square miles.

## APPENDIX.

### EXHIBIT A.

#### SETTLERS' MEETING.

As per announcement, about thirty members of the executive committee of the Winnebago Settlers' Rights Association met in the parlor of the Grand Pacific Hotel Saturday to discuss ways and means for obtaining their rights, and pressing their claims before the President and Congress, if necessary.

John Sutherland was elected president; F. G. Kretschmer secretary, and E. B. Palmer treasurer.

On motion, it was decided to appropriate \$100 towards defraying expenses of Rev. Hinman to Washington and elsewhere in search of evidence in regard to treaties in reference to the Winnebago and Crow Creek Reservations.

The form of affidavit used in proving claims on the Crow Creek Reservation was also adopted for the Winnebago.

Representatives were present from several settlements on the reservation, and the various towns along the Northwestern Railroad were also represented.

Appropriate resolutions were introduced and passed, and a number of short addresses made.

A most excellent open letter to President Cleveland was read by J. H. Bunning, which letter would be published to-day but for its extreme length. We will try to give the document in full during the week if space permits.

Messrs. Gross and Bausum were appointed a committee to arrange future meetings.

#### WINNEBAGO SETTLERS.

Last night, pursuant to call, the Winnebago settlers met in the old Signal building in Pierre and organized an association by the name of the Winnebago Settlers' Rights Association, with John Sutherland president, H. E. Dewey secretary, R. E. Gregory corresponding secretary.

The meeting was addressed by Messrs. Wetmore, Dewey, Price, Ryan, Bausum, and others, and the following constitution was presented by J. A. Johnson and adopted:

ARTICLE. I. This association shall be called the Winnebago Settlers' Rights Association.

ART. II. Its object shall be to determine upon and make use of all lawful measures to secure to settlers on the old Winnebago and Crow Creek Reservations the rights they acquired under the proclamation of President Arthur opening these lands, or, in case of failure in this, to obtain redress if possible.

ART. III. Membership in this association may be acquired by signing these articles of agreement and paying an initiation fee of \$1.

ART. IV. The business of this association shall be intrusted to an executive committee of seven, to be elected by the members.

ART. V. The officers of this association shall consist of a president, secretary, and treasurer, who shall be elected by the members.

The meeting was well attended and earnest, the general sentiment being in favor of holding their claims by all honorable and lawful means, and to get good legal advice as to what course was best to pursue.

An executive committee, consisting of the officers of the association and five other members, was appointed to draft an address to the settlers, which address is as follows:

*To the settlers of the Winnebago and Crow Creek Reservations:*

In view of recent proclamation of President of United States, revoking prior proclamation of President Arthur, under which we in good faith have made our homes on

the public lands formerly comprised in the Winnebago and Crow Creek Reservations, by which recent proclamation of the President we are ordered to abandon our houses, land, and growing crops to the handful of savages at Fort Thompson, we, the settlers of the reservation contiguous to Pierre, held a mass meeting, and by this our executive committee send you this address. First, we admonish you to remain upon your claims, as we have firmly determined to stand for and defend our lawful rights as citizens of the United States with all the means in our power, and to maintain the possession of our land by every legal method. We have formed ourselves into an association, to be called the "Winnebago and Crow Creek Settlers' Rights Association," and have adopted a constitution and by-laws and appointed officers. Our organization contemplates auxiliary associations all over the reservation, and therefore we ask you to hold meetings on Saturday, April 25, at Canning, Blunt, Harrold, Highmore, Chamberlain, Kimball, Plankinton, Mitchell, and other interested places. Hold these meetings at 2 o'clock p. m., and organize yourselves into auxiliary societies, electing officers and one member of the executive committee for each society. A meeting of the executive committee so chosen, is hereby called to meet at Pierre on the 2d day of May proximo, at 10 o'clock a. m. We believe that we have rights that can be defended both before the courts and the public opinion of the nation, and shall not submit to the barbarous order of the President without a struggle, and we call on all friends and all settlers on these lands to co-operate with us to this end. We need friends and ask contributions, and each society formed should collect and forward to E. R. Palmer, treasurer of Hughes County, who has been chosen treasurer of the association, \$1 for each member or settler. Let us stand together for our rights, for our property, for our homes. We went upon these lands under the most solemn sanction of the law and by virtue of the express invitation of the Chief Executive of this great nation. We have dug and delved; we have plowed and planted and built; we have fully complied with every requirement of law on our part, and now the chief officer of the nation, making us no recompense, commands us, like a band of felons, to abandon our homes, to forsake the growing crops that we have planted against the needs of another winter. If this is Ireland and we the down-trodden tenantry, let us know it. If it is Russia, and we are serfs or Israelites, let us know that. If it is America, and there is a law to forbid this outrage, let us invoke it and wage the conflict to the end! Remain on your lands. We will report to you any progress that we make, and should it unhappily happen that there is no redress for the wrong contemplated, we will let you know that fact as soon as it appears.

By order of the executive committee.

JOHN SUTHERLAND,  
*President.*  
H. E. DEWEY,  
*Secretary.*

AN OPEN LETTER TO THE PRESIDENT, BY A SETTLER ON THE WINNEBAGO RESERVATION IN DAKOTA.

*To His Excellency Grover Cleveland, President of the United States of America:*

EMINENT SIR: If any one of our most popular and celebrated orators or lecturers would, at some public gathering, take and support the position that the age we live in is, after all, NOT the most liberal and enlightened ever known, the presumption is that he would receive but little if any applause. If he were to express a doubt whether the American form of government is a model of perfection and to insinuate that tyranny and oppression are not impossible under the same, he would excite impatience and indignation in his audience. If he went on to state that this very Government was at present engaged in plundering and exiling a large number of its best citizens, he would be hissed and booed off the stage. And for what? For stating a fact; for stating a sad, disgraceful fact. For that your proclamation against us, the settlers on these, the Winnebago and Crow Creek reservations, is a piece of tyranny and oppression, tantamount to a confiscation of our property and banishment from our homes, cannot be denied by anybody who is not sufficiently prejudiced to contradict his own convictions. The Government of the United States, through its Chief Executive, invites its industrious citizens to make their homes upon a tract of land to which, upon eminent legal and historical authority, it claims ownership; and after thousands of honest, hard-working people, never doubting in the least the word of the Chief Magistrate, have followed the invitation extended and have invested their time and labor and hard-earned savings in settling upon these lands; after houses have been built, wells and cellars dug and fields planted, and many a poor man's last dollar invested and embodied in his new homestead, that same Government, by its same executive authority, issues an edict, couched in the most heartless and despotic terms, such as a czar or sultan might use to his slaves and subjects, commanding them to

abandon their lands and homes and find refuge and sustenance where best they may; and in case voluntary obedience be not rendered to this barbarous order, it threatens to enforce that obedience by corresponding barbarous means. No hope of remuneration is held forth to these unfortunate people for the loss of their property and their homes, nor for the loss of their time in such a precious season of the year, when every hour is worth a day; but they are ordered to "go" like a band of felons and outlaws who may be kicked and cuffed, stripped, robbed, plundered, and in the name of law and justice.

Sir, I can scarcely bring myself to believe that this has been done with a full knowledge of all the circumstances attending the opening and settlement of this reservation, or with a foresight of the immediate and ultimate consequences of such a course of action. You and your cabinet must have been imposed upon and misinformed regarding the true state of affairs here. I have no doubt that you have been importuned and pestered by the clamorous petitions of interested and unscrupulous Indian agents, whose dishonest and unprincipled policy dreads the approach of civilization. You must have been led into error by the noisy declamations of those self-appointed champions of "Indian rights"; a class of people who, if I may use such a paradoxical expression, may be termed a set of sincere and well-meaning humbugs, who at sumptuous tables, at comfortable firesides and in brilliantly-lighted lecture-rooms, prate and philosophize about the wrongs of a people they have never seen, whose past history they can recite down to the minutest details, but of whose present condition they know little more than a new-born babe. They talk about the aggressions of hardy Western pioneers and close their eyes to the tricky dishonesty of those very men whom the Government appoints to guard the Indian's interests. Certain passages in your proclamation confirm the belief that it was issued under misapprehension and without due consideration; and I have therefore undertaken, stimulated by the request of some of my unfortunate fellow-settlers, to publish for your benefit, and for the benefit of the people of the United States, a true statement of affairs in this disputed territory, to express the sentiments with which your proclamation was received and is looked upon here, and to make an earnest appeal to your sense of justice as well as to your generosity and feelings of humanity for protection against the effects of your tyrannical edicts.

I am not sufficiently versed in matters of law to attempt a discussion of the legal bearings of this question, about which the most eminent authorities of the land are at issue. This much, however, seems apparent to everybody here, that the title to these lands is at least a matter of great doubt. Eminent legal authorities have held and still hold that they belong to the Government of the United States; equally eminent men of the law contend that the title thereto is vested in the Sioux tribe of Indians. Would you not, then, have been justified—nay, would it not have been your sacred duty, as the head of a civilized nation, to give your honest, industrious subjects the benefit of the doubt until the question could have been definitely and indisputably determined by a thorough and exhaustive investigation? Was it wise or just to outlaw and impoverish thousands of well-deserving white citizens in order to keep a doubtful word of honor with a tribe of semi-savage, lazy, and vagabonding Indians? Was it expected of you to assume uninvited the championship of a set of indolent dependers on public charity, against your hard-working, self-supporting and tax-paying subjects? Put these questions to our fellow-citizens, your fifty million subjects; are you ready to abide by their answer?

I will, however, waive this phase of the question, because, as an acute lawyer, you may possibly summon to your rescue a host of legal technicalities to circumvent the difficulty that seems to arise. But this I can say, without fear of contradiction by any sane man acquainted with the circumstances, that to turn us out of our homes and lands and to compel us to abandon our substance to the wanton destructiveness of a vagabonding Indian tribe—who will be too worthlessly indolent to even harvest the crops we have planted—and after we have been invited here by the highest authority in the land, is the foulest piece of high-handed outrage that was ever perpetrated by any civilized government against its peaceful and law-abiding citizens. In barbarous and semi-savage ages and in the bygone days of the master and the slave, such things may have been common, but in the history of modern civilization your proclamation stands unprecedented and unrivaled.

When your predecessor, Chester A. Arthur, on the 27th of February last, issued his proclamation opening the remnant of the old Winnebago and Crow Creek reservations, thousands had been for weeks in readiness to move upon these lands. It had been a long-expected event, and while many, having come to Dakota too late to secure a desirable homestead, had been patiently waiting for perhaps more than a year for the opening of this tract of land, others had but recently sold out their possessions in the East and were holding themselves in readiness to come here and build their homes, and to turn a wild waste of country into fruitful fields and pleasant homesteads. Many, having found suitable locations for themselves, telegraphed or wrote to their friends and relatives in the East to come at once and build a home on a quarter



section of "Uncle Sam's" domain. There were men who could afford to build comfortable houses, while others had only sufficient means to erect the humblest kind of hut that gave them but very indifferent shelter against the rain and blustering storms of March. There were men who had been farmers all their lives, and others who, tired and disgusted with the uncertain and dependent condition of city laborers, had determined to earn a certain and independent livelihood on the productive soil of Dakota. There men with families, large and small, and young unmarried men, intending to avail themselves of the boundless opportunities of the West, get a start in life, and, gracing their little homes with the refining and softening presence of a wife, settle down as honest, industrious, and useful citizens. Having selected our respective homesteads, we set about at once building our houses to give us shelter against wind and weather; often sleeping at night with no bed but the chilly ground, and the cold star-lit sky, or else the gray, snow-laden clouds, as a roof. We have suffered from want of food and want of shelter; have suffered from cold and exposure; have suffered from overexertion and fatigue, yet cheered all the while by the hope that a bountiful reward for these hardships awaited us within a few years; working and toiling from morning till night, until our houses were habitable and our crops at least partially planted; and after all our earthly possessions had been invested and embodied in our new homesteads, and we had made ourselves dependent on these homesteads for food and shelter for the coming winter, we are thunderstruck by a report that the Government, by whose authority and upon whose invitation we located here, has ordered us to leave the land like a band of thieves and outlaws.

Sir, I protest! I protest earnestly and vigorously against being robbed of all I have and made a penniless pauper by force of law, unless I have done something in violation of law to merit such a merciless fate. Where I write this, in my little house, all my earthly possessions are accumulated; and they are of such a kind that, although they cost me quite a sum of money to obtain them and bring them here, and though they are serviceable to me here, they would not buy me a month's sustenance if removed. I protest in the name of my fellow-settlers, more especially of those who are living here with their families, who see their hard-earned substance struck from their hands at one blow, and the grim monster of poverty awaiting them and their families in the near future. I protest in the name of our fellow-citizens, the liberty-loving people of the United States, who will not permit without a remonstrance that America disgrace herself with acts of cruelty and brutality against her own children. I protest in the name of common justice, decency, and humanity, which condemn the execution of your order as an outrage such as no civilized Government has ever been guilty of.

We are no interlopers or trespassers. We came here by authority of law with a peaceful purpose. We found an unoccupied country that showed barely a trace of ever having been inhabited by human beings, with not a sod turned or a dwelling erected. The Indians have long since ceased occupying these lands. They are the sworn enemies of labor and toil, and, I believe, would rather starve by degrees than gain a competent livelihood by tilling the soil. Hence, since no game of any description was to be found here, they had no object in remaining, and very naturally occupied only that portion which is even by President Arthur's order reserved for them, which, being near the agency of Fort Thompson, was best suited to their chief occupation, that is, to receive and devour their monthly rations. The few scattered families on the land opened for settlement live on the banks of the Missouri, and these (perhaps not half a score all told) are still on their homesteads undisturbed and unmolested. Not an Indian has been injured or caused any suffering or alarm, not a penny's worth of his property taken or destroyed. Your statement that the further execution of President Arthur's order "would cause much suffering and distress to peaceful Indians" sounds to us unintelligible and ridiculous, and convinces us that you have been imposed upon. You fear that the opening of this land would retard the civilization of the Indians. Strange, indeed! Would not the most natural conclusion be that the example of industry, activity, and energy set them by hard-fisted settlers would have rather the contrary effect? Again, you are afraid of "engendering in them distrust of the National Government." But will they place any faith in a Government that robs, pillages, and pauperizes its own citizens? Will they trust a Government upon whose authority its own subjects can place no reliance without running a risk of being tricked, duped, and victimized? What need is there to keep inviolate the plighted faith of a nation with a band of begging, vagabonding Indians when that nation cannot keep its plighted faith with its own law-abiding, self-supporting and tax paying citizens?

Sir, we beg of you and we demand of you that you devise some means to prevent the execution of your despotic proclamation. You and your cabinet can at least make a temporary agreement with the Sioux Indians to let us remain here until Congress can come to our relief. It is useless to talk to us of peaceful departure and remuneration through Congress next winter. Such assistance would come too late,



For many of us have no other homes but those we have made here and no other means of support but the harvests that favorable weather promises us for next summer.

Those of us who have either breathed the air of freedom in our cradles, or having come from other countries have expected to leave tyranny and oppression behind us, cannot bring ourselves to believe that we will be driven from our homes. If you permit it you will commit a wrong you can never redress; you will perpetrate an outrage such as has never yet been heard of under our glorious banner of freedom; you will be guilty of an act of cruelty such as has never been permitted under the pinions of our bird of liberty; you will sully the fair name of America with a stain that years of honest legislation will not erase; and you will draw down upon yourself the reproaches of a liberty-loving nation, no less than the curses of your victims whom your action has left a band of destitute paupers.

Sir, in company with many hundreds of my fellow settlers, I shall remain on my homestead until removed by force of arms; and then, the Government having made a beggar of me, I shall look to it exclusively for my alms, though it oblige me to receive them through the bars of a prison cell.

In closing, I desire to assert most emphatically, not for my sake alone, but for the sake of my fellow settlers, that I am not a hired scrivener or interested speculator, but what I have represented myself to be—a bona fide settler, who have written what I knew and what I felt. For proof of which I refer you to the officers of the Winnebago Settlers Rights Association, at Pierre, Dak.

Trusting that a copy of this may reach your eyes, and that you will be sufficiently interested to read it through, I remain,

Your humble servant,

J. H. B.

### EXHIBIT B.

To the GREAT FATHER at Washington, greeting:

*From your dutiful and most obedient red children, all the chiefs and headmen of the Lower Yanktonnais tribe of Sioux or Dakota Indians:*

OUR FATHER: We would respectfully beg leave to call your attention through the honorable Commissioner of Indian Affairs to certain facts connected with our tribe and also to a certain tract of land to which our right and title has never been extinguished in any way, shape, or manner whatever, and which said tract of country is now being taken and occupied almost wholly or in part by your white children:

First. We respectfully request you to take into consideration the fact that we come before you with clean hands; they have never been stained with the blood of your people; on the contrary, we have always been the firm friends of the whites, and have, whenever required, assisted them in recovering captives taken by the hostile bands of our people, and have also aided your soldiers in preventing the commission of depredations and acts of hostility by those tribes of our people who were openly engaged in committing such acts.

Second. The country to which our fathers held undisputed possession lies in the Territory of Dakota, and is bounded on the north by the forty-eighth parallel of north latitude, on west and south by the Missouri River, and on the east by the Red River of the North and the Big Sioux River. To this tract of land we solemnly declare that no chief of the Yanktonnais tribe of Sioux has ever touched a pen signing away any portion of it; the plains of this country abound in buffalo, while the numerous lakes and streams produce fish and fur-bearing animals in abundance. There we and our forefathers for many generations roamed, hunted, and lived in peace and plenty, molesting no one, subsisting ourselves, and receiving no aid from the Government. As far back as our traditions extend, which have been handed down from generation to generation until the present day, we find nothing going to show that any of our forefathers ever disposed of our interest, right, or title to this country in any way, by treaty or otherwise.

Third. We never did and do not now make any claim to any land lying west of the Missouri River.

Fourth. The only treaties to which our people ever were parties are as follows:

In October, 1865, a council was held at Fort Sully, with certain commissioners on the part of the United States, one of whom was our honored and respected friend General H. H. Sibley, of Minnesota, at which council a treaty of peace and friendship was concluded, but no reference was made to the disposition of our interest in the tract of country which we claim still belong to us.

In October, 1876, a commission composed of prominent men visited us at our present agency, and informed us that the Great Father "wished the Black Hills country ceded to him, and desired the signature of all the chiefs and headmen of all the tribes

on and west of the Missouri River to an agreement to that effect. This agreement we signed, not because we had any interest in or claim to the Black Hills country, but simply because we were informed that Congress would make no more appropriations for our support if we did not sign it.

Fifth. We now come to consider the treaty that was made in 1868, at Fort Laramie, at a grand council held with a majority of the tribes composing the great Sioux Nation. At this council a large tract of country on the west side of the Missouri River (the boundaries of which are on file in the Interior Department) was set apart for the exclusive use of the Sioux Indians. The existing reservation on the east side of said river was included in and made a part of this great Sioux Reservation; at this great council we understand that the chiefs and headmen then and there present relinquished all the right, title, and interest that the Sioux Nation had to all the country in the United States and Territories outside of the boundaries of the great Sioux Reservation then and there set apart for their use, and now we solemnly declare in the presence of the Great Spirit that we were not represented in that council. None of our chiefs or headmen were present, they were not invited to be present, and knew nothing of it or of the business transacted there until long after it was over. An examination of this treaty will disclose to you these facts, viz: That it was signed first by 25 chiefs and headmen of the Brulé band of Sioux, the date and place where it was signed being clearly stated, and was duly witnessed by 8 witnesses, 3 of whom were interpreters. It was next signed by 39 Ogallala chiefs and headmen, date and place given, and witnessed by 10 witnesses, 4 of whom were interpreters. It was next signed by the chiefs and headmen of the Minneconjous, 17 in number, date and place being given, and is witnessed by four witnesses, 2 of whom were interpreters. It next purports to be signed by Ma-to Nom-pa and 23 other chiefs and headmen of the Yanktonnais band of Sioux.

The fact is that of these 24 signers but 5 were Yanktonnais, the remainder being members of the Uncpapas, Cut-Heads, and Blackfeet bands of Sioux, one was a Mandan, and one, I-a-wi-cha-ka, had been dead for years before the treaty was made, and none of them were authorized to sign a treaty disposing of or parting with our interests in

*List of signers.*

Indian name.	English name.	Mark.	Rank.
Wa-na-gi-ska .....	White Ghost .....	his x mark.	Head chief.
Wi-zi .....	Smoky Lodge .....	do .....	Chief.
Cho-kam-ti .....	Middle Tent .....	do .....	Do.
Ka-sde .....	Splitz .....	do .....	Do.
Ma-to-wa-ku-wa .....	Running Bear .....	do .....	Do.
Sunk Chan-ko-han .....	Dog Back .....	do .....	Do.
Ta-tan-ka-wa-na-gi .....	Bull Ghost .....	do .....	Do.
Can-gi-wcha-sha .....	Crow Man .....	do .....	Do.
Wa-ha-chan-ka-ska .....	White Shield .....	do .....	Do.
Ma-ga-bo-mdu .....	Drifting Goose .....	do .....	Do.
Ma-to-wa-ko-ki-pa .....	Afraid of Bear .....	do .....	Do.
Chin-ga-pi .....	Brother of All .....	do .....	Captain of police.
Na-zin-gan-pli .....	Surrounded .....	do .....	Soldier.
O-na-gan .....	Burnt Prairie .....	do .....	Do.
Wa-sna .....	Grease .....	do .....	Do.
Hin-ske-ata .....	Many Teeth .....	do .....	Do.
Hun-ke-sni .....	Backwards .....	do .....	Do.
San-i-gu-ksa .....	Cut Hair .....	do .....	Do.
Ma-to-wa-ku-wa-kos-ka .....	Young Running Bear .....	do .....	Do.
Man-i-du-za-han .....	Fast Walker .....	do .....	Policeman.
Scab-i-ga .....	Slapping .....	do .....	Soldier.
Wa-du-ta-wa-kin-gan .....	Red Thunder .....	do .....	Policeman.
Kan-gi-la-wa-kan .....	Talking Crow .....	do .....	Do.
Hin-har-pa .....	Owl Head .....	do .....	Soldier.
Sho-to-wi-zi .....	Smoky Lodge's Son .....	do .....	Do.
Ho-chik-a-dan .....	Little Voice .....	do .....	Do.
Ka-hmi .....	Bend .....	do .....	Do.
Cha-pe .....	Fat .....	do .....	Do.
Sin-te-pe-ta .....	Fire Tail .....	do .....	Do.
Ta-han-pa-si-cha .....	Bad Moccasin .....	do .....	Soldier.
He-ha-ka-ska .....	White Elk .....	do .....	Do.
Ma-hpi-go-ko-ki-pa .....	Afraid of Cloud .....	do .....	Do.
Shunk-ka-wa-mdi .....	Eagle Dog .....	do .....	Do.
Wa-ku-te-ko-ki-pa .....	Afraid of Shooting .....	do .....	Do.
Ma-te-wash-te .....	Pretty Bear .....	do .....	Do.
He-ha-ka-i-go-tan-ka .....	Sitting Elk .....	do .....	Do.
Ma-ke-ka-o-man-i .....	Runs All Over .....	do .....	Soldier.
Wa-ka-wingo .....	Hovers Around .....	do .....	Do.
O-ta-kte .....	Kill Many .....	do .....	Do.
A-kir-chi-ta-chik-a .....	Little Soldier .....	do .....	Ex-chief.

*Copy.—Affidavit of Charles Papin.*

Charles Papin, first being duly sworn, deposes and says that his name is Charles Papin; resides at Standing Rock Agency, Dakota Territory; that he is a half-breed Ponca, and is 35 years of age; that he speaks and understands both the Sioux and English languages, and is capable of interpreting from the one language into the other; that in the year A. D. 1868 he resided at Fort Rice, Dakota Territory, and was employed as clerk in an Indian trading post at said Fort Rice; that he remembers the council held at said Fort Rice in said year A. D. 1868, between certain commissioners on the part of the United States of America, and certain Sioux Indians of different bands then and there assembled; that according to his best recollection said council was held in the month of June, A. D. 1868; that he does not now remember the names of the members of the commission aforesaid, but does remember that Father De Smet was present at the time, also General Harney; and that Major O'Connor, afterwards United States Indian agent at Grand River Agency, Dakota Territory, acted as clerk to the commission; that he was present during the holding of said council, and heard all that was said at said council both by the aforesaid commissioners and the Indians; that the Indians then and there assembled were from the Uncapapas, Blackfeet, Upper and Lower Yanktonnais band of Sioux; that the commissioners aforesaid stated to the Indians then and there assembled in council that they had been to Fort Laramie, where they had concluded a treaty of peace and friendship between the bands of Sioux Indians under the chiefs Red Cloud and Spotted Tail, and now had come to Fort Rice to conclude a similar treaty with the Yanktonnais Sioux, and that a treaty of peace and friendship only was then and there concluded, and that the subject of disposing of their interest in the lands owned by the said Yanktonnais Sioux was not mentioned at said council either by the commissioners aforesaid or by the Indians, and that before said treaty was signed by the Indians. Mato Nompá, or Two Bears, made particular inquiry of the commissioners whether the aforesaid treaty contained any allusion to their lands or not, and was informed by the commissioners that it did not; that Two Bears and twenty-three other Indians any lands whatever. *The date and place of signing said treaty are not given and the signatures are not witnessed by any one, not even by the interpreter.*

In view of these facts we confidently make the assertion that a grave mistake has been made or a great wrong has been perpetrated upon our people. We respectfully call your attention to the affidavits of Charles Papin and Elien Agard, who were present at the council held at Fort Rice when the signatures of Ma-to Nompá and the 23 others were affixed to a treaty of peace and friendship and not to the Laramie treaty of April, 1868.

In 1863 two reservations were set apart on the east side of the Missouri River (and which are now known as the Crow Creek Reservation), upon which were located the Santee Sioux and the Winnebagoes who were brought from Minnesota after the terrible outbreak which occurred in that State the previous year. Both of these tribes, becoming dissatisfied in a few years afterward, were removed to other localities, and after their removal the Yanktonnais were advised to collect themselves together and locate permanently upon the aforesaid reservation thus vacated, which we did, and where we now are. Since our location here we have been progressing slowly but steadily in the ways of your people. The most of our people have taken lands in severalty and are cultivating the soil, opening up fields, and building houses; many of our people have good, comfortable hewed-log houses, while a few have good frame houses.

Seventh. And now, our Father, we desire to call your attention to the manner in which we have been deprived of our lands without our knowledge or consent. In 1858 a treaty was concluded at the city of Washington with the chiefs and headmen of the Yankton tribe of Sioux, whereby they ceded to the United States a tract of our country, beginning at the mouth of the Big Sioux River, thence up the Missouri River to the mouth of East Medicine Knoll River, thence up said river to its head, thence in a direction to the head of the main fork of Snake River, thence down said river to its junction with the James River, thence in a direct line to the northern point of Lake Kampeska, thence along the northern shore of said lake and its outlet to the junction of said outlet with the said Big Sioux River, thence down the Big Sioux River to its junction with the Missouri River. The territory above described includes the very reservation upon which we are now located. In 1867 a treaty was concluded at the city of Washington with the chiefs and headmen of the Sisseton and Wahpeton tribes of Sioux Indians, whereby certain rights and privileges were ceded to the United States, embracing a tract of country bounded as follows: On the south and east by the treaty line of 1851, and the Red River of the North to the mouth of Goose River, on the north by the Goose River and a line running from the source thereof by the most westerly point of Devil's Lake to the Chief's Bluff at the head of James River to the mouth of Moccasin River, and then to Kampeska Lake. The above-described tract of land was afterward ceded to the United States absolutely by a treaty which was concluded at Sisseton Agency in 1872.

The remaining portion of our country was swept away by the treaty which was concluded at Fort Laramie in 1868.

Eighth. And now, our dear Father, we have been told that we have no title to the land we are now occupying (the Crow Creek Reservation); that we are mere tenants at will; that we can remain here only so long as the great Father will permit us to remain, and that the claims we have taken and are improving for the benefit of our children in order that they may have homes when we pass away, are ours as long as we shall continue to occupy them and no longer. If these things are true we do not see much to encourage us in improving our farms and lands with a view to permanent occupancy, if we cannot be assured that we will have a good title to our homes. Already two great railroads are touching our reservation, one on the northern and one on the southern boundary line.

Farms and villages are springing up all around us, while settlers are rapidly taking up the lands about us, and are beginning to crowd us on all sides, and in view of all the above facts we naturally feel uneasy and alarmed at the situation in which we find ourselves placed and at the prospects before us.

In conclusion we would respectfully and most earnestly pray and beseech you, our Great Father, from whom alone we expect justice; to have our claims carefully investigated with a view to their final adjustment in such manner as you in your wisdom may deem best. With this object in view, we respectfully request that some of our chiefs and headmen may be permitted to visit you in Washington (as all the maps and record pertaining to these affairs are on file there), for the purpose of making and concluding some arrangements whereby we may formally part with the interests we have in the aforesaid lands, and also to perfect the title to the lands which have been allotted to us for our future permanent homes. We have endeavored to present you with facts in our case and only ask that we may be dealt with in the same manner that other Indian tribes have been in ceding their lands to the Government, and that justice between your people and ours may be done.

For health, happiness, and a prosperous reign, your petitioners will ever pray.

Signed at Crow Creek Agency, Dakota Territory, this 15th day of April, 1882.  
then affixed their signatures to the treaty; that out of the twenty-four who signed said treaty but five were chiefs of the Yanktonnais band of Sioux, the others being members of other bands of the Sioux Nation; and that after the signing of the treaty a quantity of goods was distributed among the said Indians; and further this dependent saith not.

CHARLES PAPIN.

Subscribed and sworn to before me, at Crow Creek Agency, Dakota Territory, this 16th day of March, A. D. 1888.

GEO. H. SPENCER,  
*United States Indian Agent.*

In presence of—

MARK WELLS,  
LEON P. SHERMAN.

*Copy.—Affidavit of Elien Agard.*

Elien Agard, first being duly sworn, deposes and says that his name is Elien Agard, and resides on Crow Creek Reservation; is 47 years of age; has resided in the Sioux country 36 years; understands the Sioux language, and is capable of interpreting the same into English or French; that he resided at Fort Rice, Dakota Territory, in the year A. D. 1868; was employed in the trading store of Durfee & Peck at said Fort Rice; remembers the council that was held at said Fort Rice, Dakota Territory, between certain commissioners on the part of the United States of America and certain Sioux Indians; that said council was held in the month of June, A. D. 1868, and that he was present during said council, and heard and understood all that was said at said council by both the aforesaid commissioners and Indians; that said commissioners represented to said Indians, then and there assembled at said council, that they had been to Fort Laramie, where they had concluded a treaty of peace and friendship with certain Sioux Indians belonging to the bands under the chiefs Red Cloud and Spotted Tail, and that they had come to Fort Rice for the purpose of concluding a similar treaty with them; that the Indians at said council were represented by several different bands of the tribes of Sioux Indians, viz, Blackfeet, Uncapapas, Cut-Heads, Upper and Lower Yanktonnais; that no mention was made at said council of the subject of the cession of their interests in any lands whatever, either by said commissioners or Indians, except that before signing said treaty of peace and friendship some of the Indians asked whether the papers they were asked to sign contained any allusion to their lands or not, and they were informed by said commissioners that they did not, and that with this understanding the said Indians



then and there present signed the papers, one of which was said treaty of peace and friendship and the other was said to be a receipt for certain goods which were presented to them by the aforesaid commissioners on the part of the United States of America. He further says that the twenty-four Indians who signed the papers aforesaid were personally known to him, and but five of them were of the Yanktonnais tribe, the balance of them of the other bands aforementioned. He further says that he and the Indians distinctly understood that the treaty was one of peace and friendship only. He further says that the two interpreters who acted officially for said council were named Frank Laframboise and Charles E. Galpin, both of whom are dead; and further saith he not.

ELIEN AGARD.

Subscribed and sworn to before me, at Crow Creek Agency, Dakota Territory, this 17th day of March, A. D. 1882.

GEO. H. SPENCER,  
*United States Indian Agent.*

In the presence of—  
LEON P. SHERMAN,  
V. C. SHERMAN.

True copy.

A. W. DALE,  
*Agency Clerk.*

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### EXHIBIT C.

The Buck is appointed a chief of the Honepatela band of Yanktonnais under Two Bears. He will obey him and respect him accordingly.

This to continue in full force as long as he does so.

Given this 4th day of March, 1856.

[SEAL.]

WM. S. HARNEY,  
*Brevet Brigadier-General U. S. A.*

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### HEADQUARTERS NORTHWESTERN INDIAN EXPEDITION, CAMP SIOUX CITY, October 27, 1864.

This is to show that the bearer of this, one of the principal men of the Yanktonnais band of Sioux, named Belaka (Buck), is a friend of the whites, and did not take up arms against them in the late troubles.

A. H. SULLY,  
*Brigadier-General.*

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FORT SULLY, DAK., October 28, 1864.

The bearer, Belaka (The Buck), a chief of the Yanktonnais, has always been a true friend of the whites and deserves to be treated well and kindly.

By order Brig. Gen. Sully.

JOHN H. PELL,  
*Assistant Adjutant-General.*

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### HEADQUARTERS FORT SULLY, DAK., May 23, 1865.

The bearer, a Yankton Sioux, called The Buck, one of the chiefs of the Unkpaté band, who caught Two Bull, his son, and nephew, and came to Fort Sully, Dak., and reported the capture of said hostile Indians, who were brought in and confined at said fort.

A. E. HOUSE,  
*Major Sixth Iowa Cavalry Volunteers, Commanding Post.*

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FORT SULLY, DAK., October 21, 1865.

To the Commanding Officer of Fort Wadsworth:

The bearer, M'Doka (The Buck), has, with others of his band, executed a treaty of peace with the Commissioners representing the United States. A paper, signed by the Commissioners and addressed to you, was given to the Yankton friendly band,



recommending that you permit them to hunt on both sides of the James River, but not on the Coteau. The Commissioners recommend that similar permission be given to the Lower Yanktonnais, who are friendly.

Respectfully,

NEWTON EDMUNDS,  
*President of Commission.*

HEADQUARTERS FORT WADSWORTH, DAK.,  
*September 14, 1866.*

This is to certify that Mandokee (or Buck), a chief of the Yanktonnais, has proved himself friendly to the whites, served under General Sully against the hostile Sioux, and is, therefore, worthy of the hospitality of the whites, and of the protection of the Government of the United States.

S. B. KAUFMAN,  
*Brevet Colonel, U. S. Army, Commanding Tenth Infantry,  
Commander of Post.*

CROW CREEK AGENCY,  
*January 31, 1867.*

*To all whom it may concern:*

The bearer of this, The Buck, I recognize as a chief of the Lower Yanktonnais band of Sioux Indians. The many valuable services he has rendered the whites in rescuing white prisoners from the hands of hostile Indians merits the kindest consideration of all.

J. R. HANSON.  
*United States Indian Agent Upper Missouri Sioux.*

#### EXHIBIT D.

FORT PIERRE, DAK., *December, 12, 1862.*

The bearer, Be-do-kah, chief of the Yanktonnais, is one of the Indians that recovered Mrs. Julia Wright, Mrs. Emma Duley, and six children from the Ih-saun-tees near the mouth of Grand River in November, 1862. He deserves to be treated kindly by all.

JOHN PATTIE,  
*Maj. 41st Iowa Infantry, commanding expedition in search of prisoners.*

YANKTON AGENCY, *April 16, 1883.*

The One that Kills the Omaha is a Yanktonnais Indian, the head man at the Dirt Lodges on James River. He is a good Indian and a friendly band. I hope the whites will treat him kindly, as he has always been their sincere friend.

W. A. BURLEIGH,  
*United States Yankton Agent.*

HEADQUARTERS N. W. INDIAN EXPEDITION,  
*Camp above Fort Pierre, August 5, 1863.*

Oma'kta (the one who kills the Omaha), a Yanktonai Sioux, has permission to hunt on the east side of the Missouri River and in direction of James River.

As this Indian has always been friendly to the whites, all officers and men will protect him from molestation from this command.

By Order Brigadier-General Sully.

JOHN H. PELL,  
*Assistant Adjutant-General.*

HEADQUARTERS FORT WADSWORTH, DAKOTA,  
*August 22, 1865.*

This is to certify that Omaha Kta, a Yanktonai chief, and his band, surrendered themselves to me early in the spring, and since then a number of other lodges of Yanktonai Indians have come in and joined them. All are now encamped at the junction of James and Snake Rivers, and are under the control and protection of the military commander of the district of Minnesota, and are under the immediate control of the commander at this post.

Omaha Kta is in command of the encampment, and must be obeyed by all Indians at or visiting the camp, and should be respected and well treated by all whites. He has proved himself friendly and faithful in his compliance to all orders.

ROBT. H. ROSE,  
*Major, Commanding.*

CROW CREEK AGENCY, DAKOTA, November 3, 1870.

Wa-ha-chau-ka Ska, or the "White Shield," is hereby appointed a chief of the lower band of Yanktonai Sioux or Dakota Indians, to fill the position lately occupied by his father, Omaha Kta, or "the one who killed the Omaha." This appointment is made on condition that the "White Shield" always remains friendly to the whites, and will conduct himself and band in a proper manner. Any violation of the above condition will render it necessary for the agent to revoke this appointment.

WM. H. FRENCH, JR.,  
First Lieutenant, U. S. A., Indian Agent.

## EXHIBIT E.

Sioux Land  
Certificate.

Treaty of April 29th, 1868.

No. —. Acres —.

Name.

(Indian)

or

(English)

Description.

Issued 18

Approved by Commissioner  
of Indian Affairs.

18

Recorded Vol. — Page —

18

Delivered to

18

— Agency. No. —

## SIOUX LAND CERTIFICATE, TREATY OF 1868.

Whereas, it is provided in the sixth article of the treaty concluded with the Sioux tribes of Indians, April 29th, 1868 (15th Stats., 637), that if any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent in charge, a tract of land within the reservation of said Indians, not exceeding three hundred and twenty acres in extent, which tract shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may cultivate it, and that any person over eighteen years of age, not being a head of a family, may in like manner select and cause to be certified to him or her for the purpose of cultivation a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same.

And whereas, —, of said tribes, has selected in the manner prescribed by the treaty the following described tract of land, to wit:

containing — acres, which

— desires to hold in — exclusive possession —

Now therefore I, —, United States agent in charge of said Indians, do hereby certify the same unto the exclusive use and benefit of said — so long as — may continue to cultivate the same, subject to the approval of the Commissioner of Indian Affairs.

In testimony whereof I have hereunto set my hand at — Agency, — this — day of —, one thousand eight hundred and —.

U. S. Indian Agent.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., —, 18—.

The foregoing selection is hereby approved.

Commissioner.

## EXHIBIT F.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 6, 1881.

Capt. W. E. DOUGHERTY,  
*Acting United States Indian Agent,  
Crow Creek Agency, Dakota:*

SIR: In regard to making allotments of land to the Indians within the Crow Creek Agency, your attention is called to Article 6 of the Sioux treaty of April 29, 1868 (15 Stat., p. 637), which provides, among other things, that "if any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the 'land books' as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it and of his family, so long as he or they may continue to cultivate it.

"Any person over eighteen years of age, not being a head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same, as above directed.

"For each tract of land so selected a certificate containing a description thereof and the name of the person selecting it, with a certificate indorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the 'Sioux Land Book.'"

You will instruct the Sioux Indians within your agency, and such individuals as have been legally incorporated with them, that each of those who desire to commence farming is entitled, if the head of a family, to a tract of land not exceeding three hundred and twenty acres, and if a single person over eighteen years of age, and not being the head of a family, to a quantity not exceeding eighty acres, under the provisions of the above-mentioned article. You will in each case have the Indian make the selection of the tract of land he or she may desire in your presence and in such a manner that the selection shall not cover any land previously located upon and claimed by other Indians entitled to allotments.

The selection should be made according to the legal subdivisions of the public domain and in a compact body, if expedient.

Selections may be made of legal subdivisions, the area of which is slightly in excess of three hundred and twenty acres, if for a head of a family, or if for a single person, slightly in excess of eighty acres, and in case where selections are made of legal subdivisions, the area of which is slightly less than the amount authorized to be selected, such selection will be held to be in full satisfaction of the area to which the party may be entitled.

You are instructed, where Indians have cultivated any particular tract of land, to allow the person who made the improvements, or, if he should be dead, his heir or legal representative, to make his selection in such a manner as to include such improvements within the limits thereof; and where the improvements of two or more Indians are in such proximity to each other as to prevent the selection of the entire quantity of land to which each party may be entitled in a body, the smallest legal subdivision within which their improvements are respectively located may be selected by each of them, and a further quantity of land sufficient to make each of their allotments amount in the aggregate, if a head of a family, to three hundred and twenty acres, and if a single person over eighteen years of age, to eighty acres, may be taken by them in some other portion of the reservation, as near their improvements as practicable, due consideration being given to the quality of the land and its adaptability to cultivation and grazing purposes.

The lists of allotments will be made on the blanks furnished you herewith, and you will, at the end of each month, submit, for the action of this Department, lists in duplicate on said blanks, showing to whom allotments have been made and what lands have been allotted, one of which lists will be returned to you with the action of the Department indorsed thereon.

Upon the return of said list, approved, you will immediately issue, in the name of each of the allottees, a certificate for the land so selected, blanks for which purpose will be transmitted, and, after signing the same, forward them to this office for action; and upon said certificates being returned approved and recorded, you will be required to record them in a land book (with which you will be supplied), to be kept in your office.

You will then indorse on said certificates the respective dates when placed of record, and deliver them to the parties entitled to the same.

You will call the attention of the Indians to the sixth article of the agreement with the Sioux, ratified by Congress February 28, 1877 (19 Stat., p. 256), which provides that "whenever the head of a family shall in good faith select an allotment of land upon such reservation, and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment" \* \* \* and advise them that it is for their interest, and they should consent and elect to take the allotments without delay.

You have been furnished with transcript township plates of T. 106 N., R. 69, 70, and 71 W.; T. 107 N., R. 71, 72, and 73 W., and T. 108 N., R. 72 and 73 W. Plates of all the townships embraced in your reservation would be furnished, but the copying force of this office is so limited that this is impracticable at this time, and it is believed that the above townships include the main portion of the lands desirable for allotment purposes. If, however, you should find it advisable to locate Indians in other townships you will promptly notify this office, and the necessary plates will be furnished.

Very respectfully,

E. M. MARBLE,  
*Acting Commissioner.*

STOCK.

### EXHIBIT G.

#### THE INDIAN RING VS. THE HOME BUILDERS.

A meeting of settlers on the newly opened lands of the "Crow Creek and Winnebago" Reservation, so-called, of Dakota, was called on about eighteen hours' notice for April 23, 1885, at 1 o'clock p. m., at Mr. Bronson's claim on section 27, township 105, range 70.

Though so little time was given to circulate the notice, settlers came pouring in in lumber wagons, on foot, and on horseback until over 200 had arrived, and the meeting opened, new arrivals coming in until its close. The two-story house (which those should see who believe nothing but a few boards are stuck up here and there on the reservation to hold it for speculators) was filled until the double parlors with the folding doors open were too small for the crowd. The meeting adjourned to the outside and formed a Settlers' Union, adopting the following resolutions to express the sense of the meeting:

Whereas President Arthur, of the United States, did, by proclamation, on the 27th day of February, 1885, open these lands to settlement; and

Whereas President Cleveland did on the 17th day of April, 1885, issue a proclamation ordering "all settlers to remove therefrom within sixty days of the date of the said proclamation, under penalty of being forcibly removed and their property destroyed although it should require 'the whole power of the Government.'"

*Therefore, be it resolved,* That we not only regret that this civilized nation should open to settlement part of its domain, and after thousands of her subjects have made it their homes forcibly eject them therefrom, without hearing or remedy; but we believe such gross tyranny and injustice will be forever a blot upon the pages of its history.

*Resolved,* That as we believe the whole case and the amount of actual settlement made on these lands has been misrepresented to our President by the Indian ring, with a view to their own financial interests, and under pretext of justice to the Indians (who are on friendly terms with us and as a body well pleased with the situation, each having had a chance to locate land for himself before this was thrown open to the white settler), we deem it a duty to ourselves, wives, and little ones to use every means in our power to correct these false impressions, hoping thus to avoid the fearful blow that awaits us.

*Resolved,* That having come onto these lands from all parts of the Union at much expense, not as trespassers, but in good faith with and under the protection of a Government we supposed we could trust, and invested much of our means, and hundreds of us our earthly all, that we might, like others, have homes of our own, we will to the last unitedly stand by and protect our property and our families as far as in our power. To maintain this we will use all lawful means, and call on all friends of justice in this land of the free (†) for funds to help us in this struggle for justice against tyranny and oppression; and if our President shall refuse to extend the threatened blow until the case can come before Congress, and shall forcibly eject us and destroy our property and turn us out, many of us paupers on the world, without even the chance

(always given a thief or a murderer) of being heard, we will in the courts demand pay in full for all losses thus sustained, though money cannot repay all the trials and hardships endured.

GEO. R. OWEN,  
CHAS. N. WALKER,  
FRANK WEISS,  
JOSEPH SIBLEY,

*Committee.*

N. B.—All money should be sent to the treasurer, Geo. W. James, Kimball; or the secretary, Rev. G. R. Owen, Chamberlain, Brulé County, Dakota.

#### THE HOME BUILDERS IN COUNCIL.

On last Thursday a large and very enthusiastic meeting of the settlers on the Crow Creek Reservation was held on section 27, township 105, range 70, at 1 o'clock p. m. Meeting was called to order, and S. J. Moyer chosen chairman, and L. W. Lewis secretary of the temporary meeting.

Remarks as to the object and intentions of the meeting were made by Tuttle, Owen, Berry, Kellam, and others.

Moved and carried that we proceed to the permanent organization.

Moved and carried that a committee of five be appointed on permanent organization. The chair appointed as such committee, Lewis, Walker, Ennis, Tuttle, and Hayes.

The committee reported as follows:

Whereas Chester A. Arthur, as President of the United States, did on the 27th day of February, 1885, issue a proclamation thereby opening to settlement certain parts of the lands known as the Crow Creek and Winnebago Indian Reservations; and

Whereas, by and under authority of said proclamation thousands of settlers from all parts of the United States have made settlement and improvements upon said lands, not as trespassers, but as peaceable men, law abiding citizens under guarantee of said proclamation; and

Whereas President Cleveland did on the 17th day of April, 1885, by proclamation, withdraw said lands from settlement and order all settlers to vacate and remove therefrom within 60 days from date thereof;

Now, believing that the facts in the case have been misrepresented to President Cleveland, and that if the true state of affairs were properly laid before him some relief might be obtained;

Now, in order to arrive at the actual facts regarding the settlement and the peaceable relations existing between the white settlers and Indians, and to procure the necessary funds for meeting the expenses incident to obtaining them, and in order to provide for further protection of our rights in the courts, we, the settlers upon the so-called reservation, and others, do hereby unite ourselves into an organization to be known as the "Settlers' Union."

We further recommend that an executive committee of five be chosen, three of whom shall be the officers of such organization. The officers shall be a president, treasurer, and secretary.

We would further recommend that the executive committee proceed at once in the cheapest manner possible to obtain an affidavit from each settler upon the so-called reservation, showing the amount of improvements made and all necessary data.

We would further recommend that said executive committee be empowered to devise means for raising the necessary funds, and suggest that each settler be asked to contribute upon the filing of his affidavit the sum of \$5. And as it may be necessary to contest the question of legality of settlement in the courts, we recommend that the executive committee be empowered to employ such legal advice as may be deemed necessary.

We would further recommend that the executive committee shall have control of all funds and business pertaining to said organization.

We would further recommend that the executive shall call a meeting of the Union upon the written application of any ten members of the association.

We would further recommend that at this present meeting a committee of three persons living in Buffalo County, upon the so-called reservation, be appointed, said committee to call a meeting as soon as possible, requesting the people there to co-operate with this organization in this matter.

We would also advise that the executive committee be directed to correspond with people on the so-called reservation in Hughes and Hand counties, asking their co-operation.

L. W. LEWIS,  
CHAS. N. WALKER,  
JOHN A. ENNIS,  
DR. A. M. TUTTLE,  
SCOTT HAYES,



Moved and carried that a committee of four be appointed on resolutions to express the sense of the meeting. The chair appointed Owen, Walker, Weiss, and Sibley.

This committee reported as follows:

Whereas President Arthur, of the United States, did, by proclamation, on the 27th day of February, 1885, open these lands to settlement; and

Whereas President Cleveland did, on the 17th day of April, 1885, issue a proclamation ordering "all settlers to remove therefrom within sixty days" from the date of said proclamation, under penalty of being forcibly removed and their property destroyed, although it should require "the whole force of the Government;" therefore be it

*Resolved*, That we not only regret that this civilized nation should open to settlement part of its domain, and, after thousands of her subjects have made it their homes, forcibly eject them therefrom without hearing or remedy, but we believe such gross tyranny and injustice will be forever a blot upon the pages of its history.

*Resolved*, That as we believe the whole case and the amount of actual settlement made on these lands has been misrepresented to our President by the Indian ring, with a view to their own financial interests, and under pretext of justice to the Indians (who are on friendly terms with us, and, as a body, well pleased with the situation, each having had a chance to locate land for himself before this was thrown open to the white settler), we deem it a duty to ourselves, wives, and little ones to use every means in our power to correct the false impressions, hoping thus to avoid the fearful blow that awaits us.

*Resolved*, That having come upon these lands from all parts of the Union at much expense, not as trespassers but in good faith, with and under the protection of a Government we supposed we could trust, and invested much of our means, and hundreds of us our earthly all, that we might, like others, have homes of our own, we will to the last unitedly stand by and protect our property and our families as far as in our power. To maintain this we will use all lawful means, and call on all friends of justice in this land of the free for funds to help us in this struggle for justice against tyranny and oppression, and if our President shall refuse to extend the threatened blow until the case can come before Congress, and shall forcibly eject us and destroy our property and turn us out, without even the chance (always given a thief or a murderer) of being heard, we will, in the courts, demand pay in full for all losses thus sustained, though money cannot repay all the trials and hardships endured.

GEO. R. OWEN,  
CHAS. N. WALKER,  
FRANK WEISS,  
JOSEPH SIBLEY,

*Committee.*

N. B.—All money should be sent to the treasurer, Geo. W. James, Kimball, or the secretary, Rev. G. R. Owen, Chamberlain, Brule County, Dakota.

Moved and carried that we proceed to the election of officers and executive committee.

The result was as follows:

President, D. W. Spalding; secretary, G. R. Owen; treasurer, G. W. James.

G. B. Walker and W. M. Bronson were chosen as the other two members of the executive committee.

Chairman appointed Messrs. Gillman, Hayes, and Evans, of Buffalo County, as a committee.

Many of the Buffalo County people being present at the meeting and expressing a wish to join the organization, it was moved and carried that the people of Buffalo County living upon the so-called reservation, as many as wish, are members of this organization.

Moved and carried that two men from Buffalo County be added to the executive committee, and Messrs. King and Gillman were chosen.

Moved and carried that the treasurer of this organization be required to give bonds in the amount of \$2,500.

Moved and carried that no money be paid out of the treasury except upon an order drawn by the president, signed by the secretary.

At the settlers' meeting at Bronson's claim, May 9, Senator Goodykoontz, by special invitation, was present and showed clearly that the military were subject to the civil authorities in time of peace, and when pressed to state cost of carrying the case through the United States courts of the Territory, said his services, if needed, should cost only his expenses, as his time and labor he would give to the cause, but showed that, to get witnesses to Yankton from Saint Paul, Saint Louis, &c., would cost about \$150 each, and about \$50 each from other points nearer by, and that all testimony must be printed, &c., and thought it would take six to eight hundred or spoil a thousand dollars. Meeting voted to raise a fund, if necessary, and stand their ground and save their homes, as there could be but one issue in law, as such cases always de-

pend upon evidence of the treaty-makers, and that we have. Letters were then read and commented on from Hanson and Sanborn, the first of whom had charge of Government affairs at the Fort at the time of treaty in question, and the latter one of the commissioners of said treaty. These letters had been furnished by Mr. Hinman and were very solid in evidence for the settlers and brought out cheers from the crowd, and the feeling was that the Hinman mission, with such proofs added, with settlers' affidavits, would carry the matter over to Congress. Moved and carried that the plats now being made by J. T. Stearns, of Chamberlain, from settlers' affidavits, should be considered the official plats of the union, and that only those whose names appear thereon should be recognized by the union as actual settlers. Moved and carried, that executive committee should take steps at once to stop all thieving and depredations on reservation.\* Secretary Owen stated that in compliance with his request the Pierre Union had voted \$100 to aid in the Hinman fund, and that they were well organized there and meant business. Eighteen dollars was voluntarily offered to fill up the treasury by those present. Meeting, with much encouragement, adjourned. At meeting of ex-committee, at Chamberlain, May 11th, it was determined to call in the affidavits this week and copy them in tabulated form, and send the original to Washington, so you had better hurry up if you have not made your affidavit.

G. R. OWEN,

*Secretary, Chamberlain, Dakota Territory.*

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ATTENTION, SETTLERS!

CHAMBERLAIN, DAK., May 1, 1885.

*To the settlers on Crow Creek and Winnebago Reservation of Dakota, greeting:*

Realizing that something must be done at once to protect ourselves and save our homes, and that we are individually helpless, while united we are strong, we make the following statement and appeal:

We believe the facts in the case have been basely misrepresented to the President of the United States, and that we can get his order, closing the reservation, revoked or time extended until Congress can come to our relief. We have proof that our lands were not included in the treaty of 1868, and have the interpreter of that treaty now collecting testimony and working up the case to present it to Cleveland. We also propose to furnish him with settlers' affidavits as to section, township, and range they are settled upon, when settled, what State they came from, cost of improvements, what they consist of, number in the family, that they are living on their claims, &c., to show the President as proof that the land is held by actual settlers. We also want these affidavits to use in Court and Congress and, also, as proofs of loss in collecting pay of the Government if our property should be destroyed, realizing that an affidavit taken now is worth twice as much as one taken after loss, if it comes to that.

We are meeting with encouragement, but a lack of funds is crippling our efforts. We have an expensive case to carry, but if each puts in a little the burden will be light. Show yourselves men and rally to the support of your own cause. Make your affidavits at once, and give us your names as members of the union and a dollar to help this on to a successful issue. The president of the union has once been through a fight of this kind and saved his claim, and he says: "One thing is certain, settlers risk nothing while staying on their claims, while they lose all by leaving." The secretary will furnish Geo. W. Walker, of Kimball, W. A. Scott, of Pukwana, and John T. Stearns, of Chamberlain, with the proper blanks, and they will take your names as members of the union and your dollar, and make your affidavit free. If you can't reach them have some other notary or officer take your affidavit and send it at once to them with your name and dollar. Our enemies, who brought this trouble upon us, have started the lying report that this is a money making scheme, while the truth is not one of the officers is drawing a salary and the secretary is under pledge to give it his time in preference to all other business, and demand only laborer's wages for time actually needed and necessary expenses. The treasurer is under bonds and a full account of all moneys will be made.

Keep the peace with the Indians, as the Department has decided not to allow them to have anything to do in the matter. Stay on your claims, put your crops in the ground; your affidavit and dollar in with the union and your trust in God, and we will have the victory.

Yours, much encouraged with the present outlook,

GEO. R. OWEN,  
*Secretary.*

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\* The depredations referred to were by white men and not by Indians. The reference to "ropes" was not in motion, but was mentioned, and got into the minutes by mistake. The thieves cleared out.

G. R. OWEN.

## THE CROW CREEK SETTLERS' CASE IN BRIEF.

The title to this land was conceded to be in the Yankton Indians. (See action of Congress in accepting it in 1858 and paying for it, and also Indian pow-wow of Sioux at Fort Laramie in 1851, page 1048, same book; also page 856 in treaty of 1858.)

The Government moved the Winnebagoes and the Santees to Crow Creek in 1863, from Minnesota, by Mr. Thompson; John P. Williamson accompanying them as missionary; and then, without confirming the land to them either by act of Congress or Executive order, moved them away (or rather the Indians refused to stay) in 1866; and neither by act of Congress, Executive order or Department letter, set apart either the Crow Creek or Winnebago Reservation now so called, either in whole or in part for these or any other Indians, or designated it as Indian lands, or as a part of the Great Sioux Reservation, and it remained as public lands until 1875.

The present Indians came there in 1869, drifting down from Standing Rock without direct authority from the Government; no Indians living there in 1868. (See statement of missionary John P. Williamson, who was all over these lands in 1868.) Agent Hansen compelled or authorized a few of the Two Kettles to get their rations there in 1868, but none of them lived or habited there that year.

White Ghost and his band, who now claim the land, drew rations at Standing Rock and other agencies in 1868, as shown by the records, and came on these lands in 1869 with no authority, except, that they have since been suffered to remain.

The records show the land was withdrawn from market by Executive order in 1875, and restored in 1885 by the same authority. (If by treaty of 1868 it was Indian land, why did it need to be withdrawn from settlement?)

The records show a portion of this land was surveyed in 1868-'69, after the treaty; and plats filed in the Springfield land office for settlement in 1870, and remained until withdrawn in 1875; a part having been surveyed in 1874. (If Indian land by treaty of '68, why was this done?)

The interpreter Hinman, commissioners Sanborn and Terry, all say that no one intended to make this a portion of the Great Sioux Reservation.

The words "existing reservation on the east bank of the Missouri River" were to cover all questions about the Yankton lands, Devil's Lake lands, or Sisseton or Wahpeton or any other existing reservation, if any. One commissioner says it is a mistake, and should be side instead of bank of the Missouri River. To claim that this land was made a reservation by the treaty of 1868, and brought into existence by that treaty when it used the words existing reservations, is a singular construction of the English language.

Arthur opened a lot of these same lands in 1884, that Grant had withdrawn at the same time. Why don't Cleveland restore these? There were some half a dozen tracts above and about Fort Sully.

The Sioux commission expressly told these Indians that they had no title to these lands, thereby not recognizing Indian right to the land, but trying to treat for it with that across the river, for convenience, believing it was the easiest and quickest way to get possession of it, but not the only way.

The missionary at Yankton Agency, Rev. John P. Williamson, who thoroughly understands the situation, says these Indians have no right or title to these lands by virtue of any treaty whatever. Mr. Williamson is more familiar with the actual facts than any other living man, being the longest in the missionary service of any Indian missionary on the Missouri River, and an honest man if there is any in the United States.

The settlers have been perfectly peaceable, built homes, and want only what legally belongs to them.

The rapid settlement of the reservation, so called, does not argue, as stated, that it was a speculative scheme. The facts are these:

It has been known east and west for years that these lands were at any time liable to be opened to settlement, and hundreds of people moved here from Eastern, Western, and Southern States, and settled in towns along the C. M. & Saint P. R. R., which skirts the very edge of said lands, so as to be sure of a farm and home of their own when the "promised" land did open. They have lived here some of them one year, many of them more, their little capital daily diminishing, as business has been dull, and must be with only half of the country developed. These people, by authority of the Government, of course made a great rush for free homes with what little they had left, and many of them are now in financial distress. If it is argued that many of the settlers have left the reservation, it must be remembered that it is by order of the nation's highest executive and shows them to be loyal citizens. Also that many women and children brought up in Eastern homes cannot be kept out in the country on land near by Indians with reports weekly being circulated that the troops are coming to put them off and burn their homes, followed by reports that the Indians, though now peaceable, are coming soon, &c., especially when the men, not having in

sufficient crops, for fear they will not be left to harvest them, have to be away earning bread for the family.

While this is the case with many, there are brave ones who still stay on their claims and till the soil, not believing that this great Christian nation will drive them from the homes they have taken under its invitation and at the expense of their all.

There are some empty houses on the reservation built by men who have gone east for their families, and while preparing to move them here, learned that this great nation could not be relied on and had countermanded its order. They are still in the East awaiting results. Many in towns here, fearing to leave their families on the lands, or unable to support them there without right to till the soil with surety of title, are anxiously waiting, while others still living there look in each other's faces in anxiety, and inquire of every passer-by what's the news. Shall these be turned off, and all improvements, amounting to hundreds of dollars with some, the little all with others, be lost, until some great Sioux bill can be passed, and then return to find them destroyed?

The white soldier or settler can take but 160 acres for a homestead, and no married woman or child can take any to add to the family inheritance, while the Indians on the Crow Creek and Winnebago lands still have left by Government survey 125,000 acres. There are about one thousand of them all told, and if averaging four in each family, say 250 families, and this amount of land equally divided would give them 500 acres per family after the white settlers are allowed each their little farm, the Indians first having had their choice.

Must the settler go and beg or starve, without having the privilege of occupying what has cost him much or all of his means, or of tilling the soil until Congress can meet and adjust this question, and pay the Indian any fancied claims he may think he has, while the Indian in the mean time has this land lying idle for him to look at and himself and family supported in idleness by the Government?

Many settlers have broken up their homes, and with crushed hopes and sad hearts have left in obedience to President Cleveland's command; some with tears and others with curses on the Indian Rights Association, which they recognize as being at the bottom of their troubles, while not one Indian has been disturbed or likely to be on the so-called Crow Creek Reservation. Many have no other home to go to or means left to go with, while others declare they will not go, and all are determined to stand to the last for their rights and the homes which they made through great hardship in February and March, and at (to them) great expense, by invitation and authority of the highest executive of the nation, and not as trespassers. The money the settlers would have to pay the Government in "proving up" and taking title to their land would more than pay the Indian his fancied claims (and which he had not thought of until set up to it by scheming white men), and this will be found a much cheaper way for the Government to adjust this question than trying to force from their homes those who have acted in good faith with her and trusted in her honor. Even if able to accomplish such a foul deed the settlers will demand pay in full for the thousands of dollars thus lost, which, even if returned, would not compensate them for the hardships endured, the loss of the year, or heavy expenses in coming to the West to settle, or replace them in their Eastern homes.

While the above are facts, shall this land, much of it valuable and running up to the corporate limits of fine railroad towns, and now partly under cultivation, go back to the savage who we have shown has no title to or claim on or need of it, and lie yet for years an unused wilderness, and hundreds of families be turned out as paupers on the world? Not if there is any justice to be looked for in the present administration, or to be found in the courts.

By order of Settlers' Committee.

G. R. OWEN,  
*Secretary.*

### EXHIBIT G.

TERRITORY OF DAKOTA,

County of \_\_\_\_\_, ss:

\_\_\_\_\_, being duly sworn, deposes and says that on the \_\_\_\_\_ day of \_\_\_\_\_, 1885, he entered upon and settled on the \_\_\_\_\_ quarter section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_ W., 5th P. M., in \_\_\_\_\_ County, Dakota Territory; said land having been thrown open to settlement by order of the President of the United States on the twenty-seventh day of February, 1835, and being at the date of the above settlement a portion of the public domain. That since making said settlement he has made the following improvements on said tract, viz: \_\_\_\_\_.

That he has actually expended on said tract for said improvements \_\_\_\_\_ dollars. That his family consists of himself and \_\_\_\_\_ and \_\_\_\_\_ childrep; that the settle-



ment was made in good faith and not for the purpose of speculation, and he and his family are residing on said tract. His former residence was \_\_\_\_\_ County, State of \_\_\_\_\_.

Subscribed in my presence and sworn to before me by said \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1885.

*United States Commissioner in and for  
Second Judicial District of Dakota Territory.*

We, \_\_\_\_\_ and \_\_\_\_\_, being first duly sworn, each for himself do depose and say that we have heard read the foregoing affidavit of \_\_\_\_\_, and from our own personal knowledge of the facts therein stated believe the same to be true.

Subscribed in my presence and sworn to before me, by said \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1885.

*United States Commissioner in and for  
the Second Judicial District of Dakota Territory.*

CROW CREEK AGENCY, DAK., August 18, 1885.

To the Hon. BENJAMIN HARRISON,  
*United States Senator:*

DEAR SIR: In compliance with your request, allow me to make a brief statement in regard to the Yanktonais tribe of Sioux Indians. I have, as missionary of the Protestant Episcopal Church, lived with the Sioux thirteen years, six of which have been spent with the Yanktonais. I am able to converse understandingly with them in their own language, and from conversations with them at different times have gathered the following information:

The Yanktonais tribe, until about thirty years ago, lived together without any great dissensions, occupying that portion of Dakota east of the Missouri River. About the year 1855 an Army officer (General Harney, I think) met these Indians at old Fort Pierre, and made one named Two Bears head chief of the Yanktonais.

This action created great dissatisfaction and caused a division of the people.

White Ghost's father, Bone Necklace, had been a very prominent chief before that time, so a portion of the tribe went with him and a portion with Two Bears. The latter lived on the Upper Missouri, while Bone Necklace and his people came down and made their home in the vicinity of Medicine Knoll Creek; both parties, however, living on the east side of the Missouri. On account of this separation and jealousy, Two Bears sent no word to Bone Necklace and his people to be present at Fort Rice when the commission met him there in council in the year 1868, and this in part explains the statement continually made by White Ghost that he has never ceded any land. Two Bears, however, expressed the mind of the whole tribe when at that council in 1868 he urged that the Yanktonais might have their reservation on the east side of the Missouri River, which was evidently provided for by the insertion of the clause, "and in addition thereto, all existing reservations on the east bank of said river." Two Bears and his people were allowed to live on ceded land on the east side of the Missouri, opposite Grand River Agency, and afterwards when that agency was moved to Standing Rock; and they did not move over to the west side until 1877, when they did so under strong protest. Many at that time left Two Bears and joined the Yanktonais at the Crow Creek Agency, and since others have come down. We continually hear of those who would like to come and settle here if they were allowed to do so.

It seems very clear to me, sir, that the Government has provided a reservation for the Yanktonais here at Crow Creek, on the east side of the Missouri. Will you allow me to appeal to you in their behalf, begging that you will use your earnest endeavors towards their having their rights protected and their lands secured to them?

I am, very respectfully, your obedient servant,

H. BURT,  
*Missionary.*



# EXHIBIT H.

Date of settlement.	Name of claimant and former residence.	Description of land.	Number in family.	Kind of house.	Size of house.	Kind of barn.	Size of barn.	Other improvements.	Acres of breaking.	Amount expended on land.
1885.										
Mar. 4	Robert J. Nesbitt, Hennepin County, Minnesota.	SE. $\frac{1}{4}$ 14, 105, 70.....	2	Two-story frame		Frame		Well dug and walled	3 $\frac{1}{2}$	\$1,400 00
Apr. 9	Lewis Duffaney, Clinton County, New York.	NE. $\frac{1}{4}$ 21, 105, 70.....	11	Frame	12 by 14					*350 00
Feb. 28	Samuel E. Lockwood, Elkhart County, Indiana.	SW. $\frac{1}{4}$ 26, 105, 70.....	7	do	12 by 16	Frame	12 by 12	Cow-yard fenced, hog-house, and well.†	2	400 00
27	John Callanan, Cerro Gordo County, Iowa.	SE. $\frac{1}{4}$ 31, 105, 70.....	2	do		do		Well, 22 feet deep	12	500 00
28	Charles Schivieson, Crawford County, Iowa.	SW. $\frac{1}{4}$ 28, 105, 70.....	8	{Frame Addition.....	{14 by 20 10 by 14}	do	14 by 24	Well, 42 feet deep	5	800 00
27	George R. Owen, Onondaga County, New York.	NE. $\frac{1}{4}$ 1, 104, 71.....	3	{Frame Addition.....	{20 by 24 10 by 16}	do	10 by 16	{Frame hen-house, pig-pen, well and pump, 400 rods of fencing.†	1	500 00
28	Silas G. Stoddard, Portage County, Wisconsin.	NE. $\frac{1}{4}$ 12, 104, 71.....	2	Frame	14 by 20	do	10 by 14	Frame out-house and hen-house; well.†	5	340 00
27	Warren Young, Effingham County, Illinois.	W. $\frac{1}{4}$ of NW. $\frac{1}{4}$ 22, and E. $\frac{1}{4}$ of NE. $\frac{1}{4}$ 21, 104, 70. }	8	{Frame Addition.....	{11 by 16 8 by 14}	do	12 by 16		1	300 00
27	Charles M. Lockwood, Fayette County, Iowa.	NE. $\frac{1}{4}$ 11, 104, 71.....	4	{Frame Addition.....	{14 by 22 8 by 12}	do	14 by 20	Well and pump		318 04
Mar. 7	Christopher Guthrie, Hennepin County, Minnesota.	NW. $\frac{1}{4}$ 24, 105, 70.....	1	Frame		Sod	16 by 20		2	450 00
Feb. 28	William M. Bronson, Crawford County, Wisconsin.	NE. $\frac{1}{4}$ 27, 105, 70.....	3	{Two-story frame Addition.....	{16 by 24 12 by 14}	Frame	12 by 24	Well, 35 feet; pump; 75 trees	5	1,200 00
28	Adelmer M. Tuttle, Hancock County, Iowa.	SE. $\frac{1}{4}$ 2, 104, 71.....	2	{Frame Addition.....	{14 by 20 12 by 16}			{House No. 2, 12 by 14; out-houses, &c.	5	395 00
28	James Callanan, Cerro Gordo County, Iowa.	SE. $\frac{1}{4}$ 6, 164, 70.....	7	Frame	14 by 24	Frame	14 by 16	Well		325 00
28	William McKillip, Crawford County, Wisconsin.	NW. $\frac{1}{4}$ 13, 104, 71.....	4	Frame	10 by 12			Well; trees	1	150 00
Feb. 28	J. M. Green, Grundy County, Illinois.	NW. $\frac{1}{4}$ 12, 104, 71.....	1	Frame	12 by 14					200 00
Apr. 10	Halvor F. Olson, Hanson County, Dakota.	NE. $\frac{1}{4}$ 33, 105, 69.....	1	do	8 by 10			Well		100 00

\*Includes expense of traveling from New York.

† All stock on claim.

† Has his stock on claim.

# EXHIBIT H—Continued.

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CONDITION OF CERTAIN INDIAN TRIBES.

Date of settlement.	Name of claimant and former residence.	Description of land.	Number in family.	Kind of house.	Size of house.	Kind of barn.	Size of barn.	Other improvements.	Acres of breaking.	Amount expended on lands.
1885.										
Feb. 28	John A. Ennis, Wright County, Virginia.	NW. $\frac{1}{4}$ 24, 104, 70	2	Frame	8 by 16				7	\$150 00
Apr. 17	Andrew E. Skogen, Dodge County, Minnesota.	SW. $\frac{1}{4}$ 10, 104, 70	3	do	8 by 12	Frame stable.	8 by 14	Cellar, 8 by 10	3	70 00
Feb. 27	P. M. McIlvain, Brulé County, Dakota.	NE. $\frac{1}{4}$ 12, 104, 70	2	do	10 by 14			Hen-house, 7 by 9	1	100 00
Mar. 2	Tom Kilfeather, Brulé County, Dakota.	SW. $\frac{1}{4}$ 7, 104, 70	5	do	12 by 12					100 00
2	T. A. Stevens, Brulé County, Dakota.	SE. $\frac{1}{4}$ 12, 104, 71	6	do					5	100 00
3	Annie, wife of Theodore G. Bernhardt, Cook County, Illinois.	SE. $\frac{1}{4}$ 7, 104, 70	7	do	12 by 12					100 00
Apr. 1	Andrew Helgeson, Moon County, Minnesota.	NE. $\frac{1}{4}$ 2, 105, 69	4	do		Frame			$0\frac{1}{2}$	100 00
12	Olf Olson, Winnebago County, Iowa.	NE. $\frac{1}{4}$ 8, 105, 69	1	do	8 by 10			Well	$0\frac{1}{2}$	20 00
Feb. 27	William Behrus, Brulé County, Dakota.	SE. $\frac{1}{4}$ 14, 104, 70	4	do	12 by 14	Frame	10 by 12	Well	1	150 00
Mar. 30	Thomas E. Thompson, Freeborn County, Minnesota.	NE. $\frac{1}{4}$ 6, 105, 69	2	Board	8 by 9			Well	$0\frac{1}{2}$	40 00
2	Henry Warner, Rock County, Wisconsin.	NE. $\frac{1}{4}$ 19, 105, 69	4	Frame	16 by 16	Frame	16 by 24	Well; milk-house, 8 by 10; hen-house, 8 by 10, and 1-acre cow-yard.	5	250 00
2	Abraham Warner, Hennepin County, Minnesota.	SW. $\frac{1}{4}$ 17, 105, 69	1	do	12 by 12				3	75 00
Mar. 13	Ida B. Fales, Rock County, Wisconsin.	SE. $\frac{1}{4}$ 6, 104, 69	1	Frame	12 by 14			Fruit-trees	$0\frac{1}{2}$	82 00
2	Alice J. Sanborn, Stephenson County, Illinois.	NW. $\frac{1}{4}$ 7, 104, 69	1	Frame, with cellar and veranda.	12 by 14			Fruit-trees	$0\frac{1}{2}$	90 00
2	James McRoberts, Brulé County, Dakota.	NE. $\frac{1}{4}$ 10, 105, 69	4	Frame	8 by 10					20 00
2	Edward R. Jones, Brulé County, Dakota.	SE. $\frac{1}{4}$ 27, 105, 69	1	do					1	50 00

Feb. 28	William W. Saylor	NE. $\frac{1}{4}$ 34, 105, 69	1	Board	8 by 10			1	50 00
28	Rockwell G. Richardson, Brulé county, Dakota.	NE. $\frac{1}{4}$ 11, 104, 70	5	Frame	12 by 22	Frame	12 by 18	1	80 00
28	Charles Carey, Brulé County, Dakota.	NW. $\frac{1}{4}$ 1, 104, 69	2	do				1	50 00
Mar. 16	John U. Twitchell, Lewis County, New York.	SE. $\frac{1}{4}$ 19, 106, 69	1	Board	8 by 10		Well	1	200 00
5	George W. Woods, Brulé County, Dakota.	SW. $\frac{1}{4}$ 15, 104, 69	1	do	8 by 10			5	45 00
Feb. 28	Edward W. Jefferson, Brulé County, Dakota.	NE. $\frac{1}{4}$ 2, 104, 69	1	Frame			Well	1	60 00
Mar. 2	George B. Walker, St. Lawrence County, New York.	NW. $\frac{1}{4}$ 35, 105, 69	3	do			Well	1	75 00
2	Henry T. Wilson, Brulé County Dakota.	SE. $\frac{1}{4}$ 14, 104, 69	4	do				1	90 00
Feb. 27	Francis Priddle, Brulé County, Dakota.	SE. $\frac{1}{4}$ 35, 105, 70	1	do	10 by 12			0 $\frac{1}{2}$	20 00
28	Henry Peterson, Morgan County, Illinois.	SE. $\frac{1}{4}$ 18, 105, 70	6	do	10 by 12		Well	1	150 00
28	Martin Bowan, Brulé County Dakota.	NE. $\frac{1}{4}$ 32, 105, 70	3	Frame	10 by 12		Shanty 10 by 12, and a well.	0 $\frac{1}{2}$	80 00
28	Claus Sandberg, Morgan County, Illinois.	NE. $\frac{1}{4}$ 19, 105, 70	2	do	10 by 10		Well	0 $\frac{1}{2}$	75 00
Mar. 2	Fayette M. Miller, Grafton County, New Hampshire.	NW. $\frac{1}{4}$ 11, 105, 70	4	Frame	8 by 14		Well	0 $\frac{1}{2}$	114 00
21	Lena Reiersen, Franklin County, Iowa.	NE. $\frac{1}{4}$ 24, 105, 70	1	Frame	8 by 8			1	100 00
9	Nera Warren, Jasper County, Iowa.	SW. $\frac{1}{4}$ 9, 105, 70	1	do	8 by 12				75 00
2	John R. Taggart, Kandiyohi County, Minnesota.	NE. $\frac{1}{4}$ 11, 105, 70	7	Frame	12 by 12				150 00
11	W. A. Leach, Lincoln County, Dakota.	NE. $\frac{1}{4}$ 5, 105, 69	5	Frame	10 by 12			0 $\frac{1}{2}$	125 00
Apr. 6	James McMurchie, Burt County, Nebraska.	SE. $\frac{1}{4}$ 29, 105, 69	1	Board	8 by 20			1	25 00
Mar. 2	J. C. Scales, Butler County, Iowa.	SE. $\frac{1}{4}$ 32, 106, 69	9	Frame	8 by 12	Frame	12 by 12	8	250 00
17	Mary Pollock, Bon Homme County, Dakota.	NE. $\frac{1}{4}$ 19, 106, 69	1	do					75 00
21	Trew Hayes, Boone County, Missouri.	NW. $\frac{1}{4}$ 31, 106, 69	2	Frame, with cellar.	10 by 12		Well; 25 trees	12	500 00
4	Abram Meyer, Somerset County, Pennsylvania.*	SE. $\frac{1}{4}$ 25, 106, 70	1	Frame		Frame		7	350 00
12	Andrew C. Christianson, Racine County, Wisconsin.	NE. $\frac{1}{4}$ 22, 106, 70	1	Board	8 by 8		Well and trees	1	50 00
9	S. Summer Southard, Grafton County, New Hampshire.	NE. $\frac{1}{4}$ 29, 106, 69	1	Frame			Well	1	175 00
Mar. 1	Joseph L. Mor Ross, Monroe County, Michigan.	NE. $\frac{1}{4}$ 31, 106, 69	3	do	12 by 10		Basement for barn; pigeon.	7	450 00
Apr. 11	M. E. Southard, Grafton County, New Hampshire.	SE. $\frac{1}{4}$ 29, 106, 69	1	Board	6 by 8		Well and trees	1	150 00

\*All machinery and stock on claim.

# EXHIBIT H—Continued.

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CONDITION OF CERTAIN INDIAN TRIBES.

Date of settlement.	Name of claimant and former residence.	Description of land.	Number in family.	Kind of house.	Size of house.	Kind of barn.	Size of barn.	Other improvements.	Acres of breaking.	Amount expended on land.
1885.										
Mar. 7	Emma Mor Ross, Monroe County, Michigan.	SW. 25, 106, 70.....	1	Frame.....				Trees.....	4	\$150 00
Apr. 6	Washington Benedict, Steuben County, New York.	NE. $\frac{1}{2}$ 26, 106, 70.....	3	do.....		Frame.....	12 by 15	Out-houses.....	1	250 00
7	John Langley, La Salle County, Illinois.	NE. 24, 106, 70.....	7	do.....				Well.....		225 00
Mar. 24	Ellsworth E. Harrington, Clinton County, Iowa.	NE. $\frac{1}{2}$ 14, 105, 69.....	2	do.....		Frame.....			1	180 00
14	Frank Buol, Sauk County, Wisconsin.	SW. $\frac{1}{2}$ 2, 105, 69.....	1	do.....					1	100 00
14	William Nesbitt, Hennepin County, Minnesota.	SW. $\frac{1}{2}$ 19, 105, 69.....	1	do.....		Frame.....		Well.....	2	350 00
4	John Endres, Sauk County, Wisconsin.	NW. $\frac{1}{2}$ 12, 105, 69.....	2	do.....	12 by 16	do.....	12 by 16		3	250 00
8	Frank J. Mott, Steel County, Minnesota.	NW. $\frac{1}{2}$ 35, 106, 69.....	8	do.....		do.....		Hen-house and well.....	2	175 00
1	Fred. Honeck, Franklin County, Iowa.	SW. 25, 105, 70.....	3	do.....		do.....		Frame chicken-house; * well.....		175 00
Feb. 27	C. F. P. Berry, Nicholet County, Minnesota.	NW. $\frac{1}{2}$ 28, 105, 70.....	4	do.....				Out-house; 150 trees.....	15	150 00
Mar. 29	Joseph W. Maler, Stephenson County, Illinois.	NW. $\frac{1}{2}$ 23, 105, 70.....	1	do.....		Frame.....		Well.....	1	125 00
Feb. 27	Frank P. Saterley, Cherokee County, Iowa.	SW. 33, 105, 70.....	2	do.....		do.....		Well.....	4	100 00
28	William H. Place, Grundy County, Iowa.	NE. $\frac{1}{2}$ 34, 105, 70.....	5	Frame.....	14 by 22	Frame.....	12 by 20	Hen-house, 8 by 10; 12 trees; out-house; cow-shed, 10 by 10; well.....	5	250 00
28	William H. Moore, Wineshiek County, Iowa.	NW. $\frac{1}{2}$ 34, 105, 70.....	4	Frame—cellar.....	12 by 20	do.....	10 by 14	Wagon-shed; out-house; hen-house, 8 by 10; well, 24-foot, stoned.....	5	250 00
28	James B. Ullom, Chickasaw County, Iowa.	NW. $\frac{1}{2}$ 35, 105, 70.....	4	Frame.....	12 by 14	do.....	10 by 12	Well, 17-foot, stoned; hog-house, 12 by 12; frame hen-house.....		300 00
Mar. 8	L. E. Haviland, Marshall County, Iowa.	SW. $\frac{1}{2}$ 8, 105, 69.....	3	do.....		do.....		Well, 25 trees.....	2	300 00

10	William T. Ullom, Ben ty, Iowa.	SE. $\frac{1}{4}$ 17, 106, 69.	5	do	12 by 14			0 $\frac{1}{2}$	{ 50 00 1200 00	
17	Lulse Follow, Bon County, Dakota.	SW. 19, 106, 69.	10	{ 1 $\frac{1}{2}$ story frame Addition	10 by 12 8 by 10		Hen-house.	3	250 00	
4	Nick Leylor, Bay County, Michigan.	SW. 29, 106, 69.	6	Frame.	12 by 22	Frame.	10 by 18	5	453 00	
4	Albert Montri, Monroe County, Michigan.	SE. $\frac{1}{4}$ 28, 106, 70.	1	Board.	8 by 10		Well.	0 $\frac{1}{2}$	125 00	
2	Charles A. Whitaker, Potta- watomie County, Iowa.	SW. $\frac{1}{4}$ 19, 105, 68.	1	do	8 by 10		Well.	2	100 00	
4	Tillie Moore, Pottawatomie County, Iowa.	SW. $\frac{1}{4}$ 14, 105, 69.	1	Frame.					100 00	
Feb. 28	Truman A. French, Menominee County, Michigan.	SW. $\frac{1}{4}$ 1, 104, 71.	3	do	12 by 14			1	225 00	
Mar. 3	Ed. A. Glenn, Franklin County, Iowa.	NE. $\frac{1}{4}$ 8, 104, 70.	5	do		Frame.	12 by 16		100 00	
Apr. 12	Joseph Mock, Dickinson Coun- ty, Iowa.	NE. $\frac{1}{4}$ 24, 105, 69.	2	Board.	10 by 10			6	40 00	
Mar. 2	Lemuel Fry, Bauer	NW. $\frac{1}{4}$ 5, 104, 69.	6	Frame.	12 by 12	Frame.	12 by 16	7	66 00	
5	Peter J. Wood, Winnebago } County, Illinois.*	SE. 32, 105, 69.	5	{ 1 story frame Addition	12 by 16 10 by 10	Frame.	12 by 16	Well, 45 feet deep; storage, 5 by 6.	5	500 00
1	C. Wesner, Brulé County, Da- kota.	NE. $\frac{1}{4}$ 7, 104, 69.	4	Frame.	10 by 12	do	12 by 24	Well; hen-house; 47 trees.	15	100 00
6	Joseph Nichol, Bon Homme County, Dakota.	NE. $\frac{1}{4}$ 25, 106, 70.	1	Board.	9 by 10			5	50 00	
6	J. W. Stevens, Bon Homme County, Dakota.	NW. $\frac{1}{4}$ 25, 106, 70.	3	do	8 by 10	Frame.	12 by 14		40 00	
Feb. 27	I. W. Sears, Fayette County, Iowa.	SW. $\frac{1}{4}$ 12, 104, 71.	5	Frame.	14 by 16	do	12 by 26	5	344 00	
27	John F. Anderson, Brulé County, Dakota.	SE. $\frac{1}{4}$ 11, 104, 71.	2	do	12 by 14	do	12 by 12	Well; out-house.	7 $\frac{1}{2}$	325 00
28	W. F. X. Parker, Chattanooga, Tenn.	NW. $\frac{1}{4}$ 6, 104, 70.	1	do	10 by 12				80 00	
28	Christopher H. Jordan, Mil- waukee, Wis.	NW. $\frac{1}{4}$ 8, 104, 70.	1	do	10 by 12				70 00	
28	A. M. Miller, Brulé County, Dakota.	SW. $\frac{1}{4}$ 6, 104, 70.	4	do	12 by 12	Frame.	12 by 16	160 posts to fence 40 acres.	1	300 00
28	E. E. Rappole, Jefferson County, New York.	NW. $\frac{1}{4}$ 7, 104, 70.	1	do	10 by 12			1	100 00	
Mar. 1	Joshua Whitman, Tama County, Iowa.	SE. $\frac{1}{4}$ 19, 105, 69.	6	do	14 by 16	Sod.	14 by 14	100 trees; well; chicken- house.	3	201 00
2	Godfrey C. Slyoff, Tama County, Iowa.	SW. $\frac{1}{4}$ 20, 105, 69.	1	do				3	90 00	
Feb. 27	Lewis Thomson, Brulé County, Dakota.	NE. 3, 104, 70.	6	do	12 by 14			Well.	4 $\frac{1}{2}$	100 00
Mar. 30	John D. Ryan, Clinton County, New York.	SE. $\frac{1}{4}$ 22, 105, 70.	1	{ Frame Addition	12 by 14 8 by 10			1	200 00	
Apr. 1	Dennis H. Ryan, Iowa County, Wisconsin.	SW. $\frac{1}{4}$ 21, 105, 70.	3	Board.	8 by 10			1	150 00	

\* All stock on claim.

† Four horses now on claim, 10 head cows on the road.

‡ Expense of coming with family.

§ Stock and farm implements.

|| All stock on claim, 23 head.

¶ Includes expense of moving.



# EXHIBIT H—Continued.

Date of settlement.	Name of claimant and former residence.	Description of land.	Number in family.	Kind of house.	Size of house.	Kind of barn.	Size of barn.	Other improvements.	Acres of breaking.	Amount expended on land.
1885.										
Feb. 27	William J. Lawton, Kent County, Michigan.	NE. $\frac{1}{4}$ 4, 104, 70.....	3	Frame.....	16 by 16.....	.....	.....	Two wells.....	10	\$200 00
28	Asa M. Haveland, Hardin County, Iowa.*	SE. $\frac{1}{4}$ 9, 104, 70.....	5	do.....	16 by 24.....	Frame.....	12 by 12.....	Fenced cow-yard.....	20	350 00
28	Peter Jackman, Meeker County, Minnesota.	NE. $\frac{1}{4}$ 17, 104, 70.....	1	do.....	9 by 10.....	Sod.....	13 by 13.....	.....	1	150 00
28	John J. Hull, Cook County, Illinois.	SE. $\frac{1}{4}$ 1, 104, 71.....	2	do.....	12 by 14.....	.....	.....	Frame out-building.....	.....	125 00
Mar. 9	William Gilman, Mitchell county, Iowa.	NE. $\frac{1}{4}$ 30, 106, 69.....	2	do.....	10 by 12.....	.....	.....	Well and shade trees.....	3	250 00
2	George C. Whitaker, Pottawattomie County, Iowa.	NW. $\frac{1}{4}$ 24, 105, 69.....	3	do.....	8 by 10.....	.....	.....	Well.....	2	100 00
Apr. 7	John Collins, Milwaukee, Wis..	NW. $\frac{1}{4}$ 19, 106, 69.....	1	do.....	.....	.....	.....	Well.....	2	200 00
Mar. 14	John N. Clark, Lewis County, New York.	NW. $\frac{1}{4}$ 30, 106, 69.....	1	do.....	10 by 12.....	.....	.....	Well.....	.....	200 00
1	Willis E. Rort, Sioux County, Iowa.	NW. 32, 106, 69.....	7	do.....	16 by 18.....	Two-story frame.....	14 by 16.....	Hen-house, grainery.....	5	300 00
2	W. W. Hiatt, Pottowattamie County, Iowa.	SE. $\frac{1}{4}$ 13, 105, 69.....	8	do.....	10 by 12.....	.....	.....	.....	1	100 00
22	Andrew Pielecke, Pottawattamie County, Iowa.	NE. 13, 105, 69.....	3	do.....	10 by 12.....	Sod.....	.....	Fruit trees; grapes; hen-house.....	4	150 00
12	Charlotte Seavers, Bon Homme County, Dakota.	SE. $\frac{1}{4}$ 30, 106, 69.....	2	Frame, upright and wing.....	.....	Frame.....	12 by 12.....	Hen-house; hog-house, 12 by 12; other material on ground.....	2	500 00
Apr. 10	Frank G. Seaver, Bon Homme County, Dakota.	SW. $\frac{1}{4}$ 20, 106, 69.....	1	Frame.....	.....	.....	.....	.....	1	200 00
8	Charles E. Reeves, Plymouth County, Iowa.	SW. $\frac{1}{4}$ 12, 105, 70.....	1	Frame.....	.....	Frame.....	.....	.....	1	160 00
Feb. 28	W. Carlisle Graybell, Shelby County, Illinois.	NW. $\frac{1}{4}$ 1, 104, 71.....	1	do.....	.....	.....	.....	Shanty; well and pump.....	.....	250 00
28	George W. Seavers, De Kalb County, Illinois.	SE. $\frac{1}{4}$ 2, 104, 69.....	1	do.....	.....	.....	.....	Well.....	1	50 00
28	Frederick Kemp, Page County, Iowa.	NW. $\frac{1}{4}$ 2, 104, 69.....	2	do.....	.....	.....	.....	.....	.....	50 00
28	George W. James, Ogle County, Illinois.	NW. $\frac{1}{4}$ 14, 104, 69.....	1	do.....	.....	.....	.....	2,000 willows.....	5	65 00

28	Frank Zika, Marshall County, Iowa.	NE. $\frac{1}{4}$ 1, 104, 69	6	Frame	12 by 20			25 trees	2	300 00
28	Charles H. Ferris, Franklin County, Iowa.	SW. $\frac{1}{4}$ 9, 104, 70	1	Frame	8 by 12	Sod			1	150 00
28	Johannes Steensen, New Orleans, La.	NW. $\frac{1}{4}$ 11, 104, 70	7	do		Frame		Hen-house	1	800 00
28	Clarence E. Haviland, Hardin County, Iowa.	NW. $\frac{1}{4}$ 9, 104, 70	1	Frame, with addition.		do			1	200 00
28	Ashworth Heys, Brule County, Dakota.	N. $\frac{1}{4}$ , NE. 13, 10 4, 71	4	Frame						75 00
28	George Harper, Hemp Hill, Tex.	S. $\frac{1}{4}$ of NE. $\frac{1}{4}$ lots 5 and 6, and NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ 13, 104, 71.	1	do	10 by 12					100 00
Mar. 31	K. Halvorsen, Dane County, Wisconsin.	SE. of NE., NE. of NE., SW. NW. and NW. SW. 31, 108, 71.	1	Board shanty, with cellar.	10 by 12				1	150 00
12	August Anderson, Yankton County, Dakota.	SW. $\frac{1}{4}$ 4, 105, 69	1	Board	6 by 8				0 $\frac{1}{2}$	25 00
8	H. J. Harigner, Lafayette County, Wisconsin.	NE. $\frac{1}{4}$ 9, 105, 69	1	Board; cellar	7 by 10	Board	8 by 12		0 $\frac{1}{2}$	22 00
1	Martin Shaffner, Jasper County, Iowa.	NW. $\frac{1}{4}$ 21, 105, 70	7	Frame				50 trees	0 $\frac{1}{2}$	150 00
1	Thomas N. Nelson, Brulé County, Dakota.	NW. $\frac{1}{4}$ 10, 105, 69	2	do	8 by 16				0 $\frac{1}{2}$	30 00
9	Tom B. Rine, Brulé County, Dakota.	SW. $\frac{1}{4}$ 33, 105, 69	4	do	12 by 12	Frame	12 by 14	Well	3	63 00
Feb. 27	W. J. Andrews, Henry County, Iowa.	SE. $\frac{1}{4}$ 29, 105, 70	1	do						70 00
Mar. 2	Amos Pardee, Cerro Gordo County, Iowa.	NW. $\frac{1}{4}$ 4, 104, 70	4	do	10 by 12	Frame		Foundation for barn, 14 by 20.	3	50 00
Feb. 28	Ella M. Kregan, Brulé County, Dakota.	NE. $\frac{1}{4}$ 7, 104, 70	1	do	12 by 16	do	8 by 10		5	150 00
27	E. K. Taylor, Lake County, Illinois.	Fr. part 15, 104, 71	3	do	24 by 26			Chicken-house; a lot of trees.	0 $\frac{1}{2}$	400 00
Mar. 9	Evangeline Sibley, Brulé County, Dakota.	NW. $\frac{1}{4}$ 15, 105, 71	1	do	8 by 10				1	50 00
Apr. 4	Alfred Sibley, Brulé County, Dakota.	SE. $\frac{1}{4}$ 15, 105, 71	1	do	12 by 16				1	300 00
Feb. 28	George H. Marshall, Douglas County, Illinois.	NW. $\frac{1}{4}$ 2, 104, 70	1	do				Well; trees	5	200 00
28	Henry A. Whitaker, Pottawatomie County, Iowa.	NW. $\frac{1}{4}$ 14, 105, 68	4	do	9 by 16			Well	1 $\frac{1}{2}$	150 00
28	Gustaf Fundin, Lucas County, Iowa.	SW. $\frac{1}{4}$ 3, 104, 70	2	do					15	150 00
28	Charles W. Taylor, Walworth, Wis.	SE. $\frac{1}{4}$ 8, 104, 70	1	do		Sod		Well	1	150 00
28	H. M. Vice, Marshall County, Iowa.	SW. $\frac{1}{4}$ 11, 105, 68	7	do	10 by 16			Well; 75 trees	1	150 00
Mar. 23	James Nelson, Yankton County, Dakota.	NW. $\frac{1}{4}$ 18, 105, 68	1	Frame					1	150 00

\* All stock on claim, 14 head.

† Fifteen head of stock on place.

# EXHIBIT H—Continued.

Date of settlement.	Name of claimant and former residence.	Description of land.	Number in family.	Kind of house.	Size of house.	Kind of barn.	Size of barn.	Other improvements.	Acres of breaking.	Amount expended on land.
1885.										
Feb. 28	James C. Dell, Carroll County, Illinois.	NW. $\frac{1}{4}$ 3, 104, 70	1	Frame					1	\$75 00
Mar. 2	Herman Bromley, La Salle County, Illinois.	SE. 2, 104, 70	4	do		Frame		Well	20	400 00
Feb. 28	Phillip G. Carroll, Franklin County, Iowa.	SW. $\frac{1}{4}$ 5, 104, 70	3	do		do		Well		130 00
28	John N. Baker, Hardin County, Iowa.	NE. $\frac{1}{4}$ 9, 104, 70	4	do				Out-house; hog-pen; well	1	250 00
Mar. 8	James McInturf, Adams County, Nebraska.	SW. $\frac{1}{4}$ 2, 104, 70	4	{ Frame Addition	12 by 20 8 by 12	{		25 trees	3	350 00
Feb. 28	Marquis L. Miles, Clinton County, Michigan.	NW. $\frac{1}{4}$ 5, 104, 70	6	Frame	10 by 16			Frame hen-house; well, 22 feet deep.	0 $\frac{1}{2}$	100 00
Mar. 1	Lewis A. Stearns, Clayton County, Iowa.	SE. $\frac{1}{4}$ 10, 105, 71	1	do	10 by 12	Frame	16 by 26			250 00
20	Jacob Crosemer, La Salle County, Illinois.	SE. $\frac{1}{4}$ 28, 107, 69	8	Sod	12 by 12				1	30 00
20	George W. Evans, La Salle County, Illinois.	NW. $\frac{1}{4}$ 28, 107, 69	3	Frame	12 by 16				10	150 00
20	Jenkins Evans, La Salle County, Illinois.	SW. $\frac{1}{4}$ 21, 107, 69	1	do	12 by 20				5	200 00
Feb. 28	Christian Brink, Crawford County, Iowa.	NW. $\frac{1}{4}$ 27, 105, 70	3	do	8 by 14			100 trees	1 $\frac{1}{2}$	300 00
Mar. 19	William O. Kiser, Jasper County, Iowa.	SW. $\frac{1}{4}$ 23, 105, 70	1	Board	6 by 8				0 $\frac{1}{2}$	75 00
18	Benjamin D. Perley, Winnebago County, Illinois.	{ SE. $\frac{1}{4}$ 21, 105, 70	3	{ Board Cellar	8 by 10			100 fruit-trees; well	1	350 00
Mar. 1	George L. Stevens, Fillmore County, Minnesota.	SW. 22, 105, 70	6	{ Frame Addition	8 by 14 10 by 10	{		40 to 50 trees; well	0 $\frac{1}{2}$	300 00
2	Eli C. Jay, Grant County, Indiana.	SW. $\frac{1}{4}$ 11, 104, 71	2	Frame	12 by 14					60 00
Apr. 12	William H. Mock, Dickinson County, Iowa.	NW. 3, 105, 69	3	do	10 by 10	Frame	12 by 24	Well	15	200 00
Mar. 9	Will S. Beels, Buchanan County, Iowa.	SW. 17, 104, 69	1	do						85 00
9	Sarah A. Richard, Brulé County, Dakota.	NW. $\frac{1}{4}$ 18, 104, 69	1	Frame, with veranda.	12 by 14				2	95 00

Apr. 14	Emma S. Smith, Brulé County, } Dakota.	SW. 13, 104, 70.	1	{ Frame, cellar, and veranda. Addition	12 by 14 8 by 10			2	300 00
Mar. 6	Henry H. Purdy, Floyd County, Iowa.	SE. 1/4 10, 105, 69	1	Board	6 by 12	Frame	12 by 14	Well	5 100 00
4	Otto Hanson, Hanson County, Dakota.	SW. 1/4 10, 105, 69	1	do	6 by 8			Well	0 1/2 100 00
3	Marion E. Stair, Marshall County, Indiana.	NW. 1/4 15, 105, 69	3	Frame	12 by 13			Well; hen-house; 80 trees.	1 100 00
1	Frank D. Button, Winnebago County, Wisconsin.*	SE. 1/4 29, 105, 70	5	Frame, with cel- lar.		Frame			4 400 00
Feb. 27	Samuel Audley, New Haven, Conn.	NW. 1/4 33, 105, 70	1	Frame					30 00
28	John Lally, Van Buren, Mich.	SW. 1/4 32, 105, 70	5	do				Hen-house; one-half built; tree seeds and 600 trees.	1 150 00
28	E. Lingley, Hillsdale, Mich.	SE. 1/4 32, 105, 70	2	do					1 100 00
28	Jos. C. Sibley, Colchester, Prov- ince Nova Scotia.	SW. 1/4 15, 105, 71	7	do		Frame			1 500 00
Mar. 1	Edward Briton, Waushara, Wis.	NW. 1/4 25, 105, 70	4	Frame, with cel- lar.	12 by 16				1 150 00
5	James H. Beard, La Fayette County, Wisconsin.	NW. 1/4 4, 105, 70	6	Frame		Frame		Well	1 200 00
28	Wm. Manley, Hennepin County, Minnesota.	SW. 1/4 14, 105, 70	1	do		do		Well	1 225 00
Feb. 28	Jeremiah Butterfield, Floyd County, Iowa.	SW. 34, 105, 70	3	do	10 by 14			Well	100 00
Mar. 14	Andrew J. Guilford, Brulé County, Dakota.	Lots 1, 2, and 3, 104, 71; lot 1 and NE. of NE. 10, 104, 71.	1	do	10 by 12				70 00
Feb. 28	Charles Callanan, Brulé County, } Dakota,†	NE. 1/4 6, 104, 70	3	{ Frame, addition. Board	10 by 12 16 by 26 8 by 10	Frame	12 by 16		20 600 00
Mar. 1	Moses J. Robinson, Brulé County, Dakota.	SE. 1/4 20, 104, 69	1	Board	8 by 10	do	14 by 16	Well	4 150 00
20	Phebe Robinson, Brulé County, Dakota.	NE. 1/4 20, 104, 69	2	Frame	10 by 12				1 25 00
1	Sevor Siverson, Brulé County, Dakota.	SE. 1/4 17, 104 69	5	Board	6 by 7			Cellar for larger house.	0 1/2 10 00
2	Franklin P. Stearns, Black Hawk County, Iowa.	SW. 31, 105, 70	1	Frame	12 by 14				100 00
8	Joseph Gibisch, Lyons County, Iowa	SE. 1/4 5, 106, 70	6	do	10 by 14	Frame	16 by 26	Well and 3,000 trees	25 1/2 540 00
Feb. 28	George Pritchard, Palo Alto County, Iowa.	NE 1/4 2, 104, 71	9	{ 1 1/2 story frame. Addition	20 by 22 10 by 20	Stables	16 by 28	{ Chicken-house, 6 by 12; cattle-yard, fenced with boards 32 by 64; well; 100 trees.	2 400 00

\*All stock on claim, 13 head.

†Stock on claim, 8 head.

*A list of persons, who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations in Brulé, Buffalo, Hand, Hyde, and Hughes Counties, Territory of Dakota, restored to the Public Domain, by order of Chester A. Arthur, President. Compiled from the returns of the Territorial Census of 1885, by Robert B. Fish, Supervisor of Census for South Dakota.*

## BRULÉ COUNTY.

[Enumeration Districts Nos. 101 and 102. Enumeration District No. 101, A. C. Welch, enumerator. District comprises all of Brulé County, Dakota, lying north of the township line, between townships 101 and 102, and west of the range line between ranges 70 and 71.]

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday: years.	Relationship.	Single, 1.	Married, 1.	Widowed 1; divorced D.	Land tilled.
Inhabitants.	Dwellings.	Families.									
1	1	1	Sibley, Joseph C., farmer.....	W.	M.	54	Head of family..	---	1	---	Acres.
2	---	---	Sibley, Jane.....	W.	F.	54	Wife.....	---	1	---	
3	---	---	Sibley, Angeline.....	W.	F.	23	Daughter.....	1	---	---	
4	---	---	Sibley, John.....	W.	M.	21	Son.....	1	---	---	
5	---	---	Sibley, Alfred.....	W.	M.	20	Son.....	1	---	---	
6	---	---	Sibley, Clayton.....	W.	M.	14	Son.....	1	---	---	
7	---	---	Sibley, Laura.....	W.	F.	10	Daughter.....	---	---	---	
8	2	2	Affick, Garribaldi, farmer.....	W.	F.	27	Head of family..	---	1	---	
9	---	---	Affick, Lucy.....	W.	F.	20	Wife.....	---	1	---	
10	---	---	Affick, William.....	W.	M.	1	Son.....	---	1	---	
11	---	---	Affick, Louisa.....	W.	F.	13	Daughter.....	---	---	---	
12	3	3	Pritchard, George, farmer.....	W.	M.	55	Head of family..	---	1	---	
13	---	---	Pritchard, Eliza.....	W.	F.	54	Wife.....	---	1	---	
14	---	---	Pritchard, George, jr.....	W.	M.	12	Son.....	---	---	---	
15	---	---	Pritchard, Myrtle.....	W.	F.	9	Daughter.....	---	---	---	
16	---	---	Pritchard, Mabel.....	W.	F.	9	Daughter.....	---	---	---	
17	4	4	Sears, T. R., farmer.....	W.	M.	61	Head of family..	---	1	---	
18	---	---	Sears, E. K.....	W.	F.	66	Wife.....	---	1	---	
19	5	5	Phelps, Frank, farmer.....	W.	M.	37	Head of family..	---	1	---	
20	---	---	Phelps, Maud.....	W.	F.	21	Wife.....	---	1	---	
21	---	---	Phelps, Roy.....	W.	M.	3	Son.....	---	---	---	
22	---	---	Phelps, John.....	W.	M.	2	Son.....	---	---	---	
23	6	6	Anderson, John, blacksmith.....	W.	M.	28	Head of family..	---	1	---	
24	---	---	Anderson, Minnie.....	W.	F.	27	Wife.....	---	1	---	
25	---	---	Gregory, Emily.....	W.	F.	36	---	1	---	---	
26	8	8	Comerford, Josephine.....	W.	F.	46	Head of family..	---	1	---	

NOTE.—This report includes only such persons as were, upon June 1, 1885, residents upon that portion of the above district, described as follows: "All of townships No. 104 and 105, range 71, in Brulé County, Dakota, lying north of American Creek," shown upon the map of Brulé County, herewith, and marked with the name of the enumerator in red ink

## SUMMARY.

Number of inhabitants.....	26
Number of dwellings.....	8
Number of farms.....	8
Number of acres of land tilled.....	none.



A list of persons, who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.

## BRULÉ COUNTY.

[Enumeration District No. 102, W. A. Scott, enumerator, district comprising township Nos. 103, 104, and 105, ranges 69 and 70, lying in Brulé County, Territory of Dakota.]

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday: years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, 2.	Land tilled.
	Inhabitants.	Dwellings.									
1	1	1	Raine, B. T., farmer	W.	M.	65	Head of family		1		Acres. 1
2			Raine, Asdra	W.	F.	55			1		
3	2	2	Paulson, Daniel, farmer	W.	M.	44	Head of family		1		1
4			Paulson, Minnie	W.	F.	30	Wife		1		
5			Paulson, Laura	W.	F.	10	Daughter				
6			Paulson, Mary	W.	F.	6	Daughter				
7			Paulson, Andrew	W.	M.	4	Son				
8			Paulson, Anna	W.	F.	2	Daughter				
9	8	3	Olson, Julius, farmer	W.	M.	48	Head of family		1		
10			Olson, Eliza	W.	F.	47	Wife		1		
11			Olson, Mary	W.	F.	18	Daughter	1			
12			Olson, Ole	W.	M.	14	Son				
13			Olson, Nellie	W.	F.	10	Daughter				
14			Olson, Martin	W.	M.	9	Son				
15			Olson, Julia	W.	F.	7	Daughter				
16	4	4	Mock, Joseph, farmer	W.	M.	25	Head of family		1		19
17			Mock, Ordie	W.	F.	24	Wife	1	1		
18	5	5	Mock, William, farmer	W.	M.	28	Head of family	1			35
19	6	6	Robinson, Jennie, teacher	W.	F.	28	Head of family	1			
20	7	7	Heekes, John, farmer	W.	M.	27	Head of family		1		
21			Heekes, Antona	W.	F.	24	Wife		1		
22	8	8	Whitmore, Joshua, farmer	W.	M.	22	Head of family		1		9
23			Whitmore, Anna E	W.	F.	28	Wife		1		
24			Whitmore, Maggie	W.	F.	6	Daughter				
25			Whitmore, George	W.	M.	4	Son				
26			Whitmore, Frank	W.	M.	2	Son				
27			Whitmore, Elmer	W.	M.	1	Son				
28	9	9	Warren, Henry, farmer	W.	M.	26	Head of family		1		6
29			Warren, Matilda	W.	F.	25	Wife		1		
30			Warren, James	W.	M.	7	Son				
31			Warren, McHenry	W.	M.	6	Son				
32			Warren, Abraham, farmer	W.	M.	47	Father			1	
33			Warren, Edward, farmer	W.	M.	21	Brother	1			
34	10	10	Hungne, Henry, farmer	W.	M.	31	Head of family	1			5
35	11	11	Endres, John, farmer	W.	M.	28	Head of family		1		3
36			Endres, Ida	W.	F.	18	Wife		1		
37	12	12	Buol, Frank, farmer	W.	M.	21	Head of family	1			
38			Buol, Gusta	W.	F.	50	Mother			1	
39	13	13	Stair, Merion E., teacher	W.	M.	21	Head of family		1		
40			Stair, Laura A., teacher	W.	F.	21	Wife		1		
41			Stair, Jessie	W.	F.	1	Daughter				
42	14	14	Taggart, John, farmer	W.	M.	34	Head of family		1		
43			Taggart, Martha	W.	F.	34	Wife		1		
44			Taggart, William C	W.	M.	14	Son				
45			Taggart, Otis	W.	M.	12	Son				
46			Taggart, May B	W.	F.	6	Daughter				
47			Taggart, Beresford	W.	M.	10	Son				
48			Taggart, Garfield	W.	M.	4	Son				
49	15	15	Miller, Lafayette	W.	M.		Head of family		1		
50	16	16	Stevens, George L	W.	M.	87	Head of family		1		1
51			Stevens, Maria	W.	F.	40	Wife		1		
52			Stevens, Nicholas	W.	M.	15	Son				
53			Stevens, Myrtle	W.	F.	13	Daughter				
54			Stevens, Maud	W.	F.	11	do				
55			Stevens, Frank	W.	M.	6	Son				
56	17	17	Brink, Christ, farmer	W.	M.	28	Head of family		1		1
57			Brink, Maggie	W.	F.	22	Wife		1		
58			Brink, Hans	W.	M.	3	Son				
59	18	18	Shyhoff, Geofry, farmer	W.	M.	22	Head of family	1			6
60	19	19	Thoreson, Martin, farmer	W.	M.	25	do		1		
61			Thoreson, Miranda	W.	F.	21	Wife		1		
62	20	20	Brearley, William H., minister	W.	M.	39	Head of family	1			
63	21	21	Brearley, Martha G., farmer	W.	F.	64	Mother			1	
64	22	22	Brearley, Elizabeth, farmer	W.	F.	32	Sister	1			
65	23	23	Brearley, John E.,	W.	M.	25	Brother	1			

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## BRULÉ COUNTY—Continued.

Inhabitants.	Dwellings.	Families.	Name and occupation.	Color: white, W.; black, B., &c.	Sex: male—M.; female, F.	Age, at last birthday; years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tilled.	Acres.
66	24	24	Rickett, Paulina, farmer	W.	F.	36	Head of family			1		2
67			Rickett, Mary	W.	F.	11	Daughter					
68	25	25	Evereling, Jacob, farmer	W.	M.	70	Head of family			1		6
69	26	26	Croft, Peter, farmer	W.	M.	36	do		1			1
70			Croft, Dora	W.	F.	21	Wife		1			
71			Croft, Dollie	W.	F.	2	Daughter					
72	27	27	Wood, Peter J., physician	W.	M.	47	Head of family			1		13
73			Wood, Lucy A.	W.	F.	42	Wife		1			
74			Wood, Robert	W.	M.	12	Son					
75			Wood, Howard	W.	M.	9	do					
76			Wood, Perla	W.	F.	5	Daughter					
77	28	28	Ranie, Tom, B. O., farmer	W.	M.	30	Head of family		1			5
78			Ranie, Anna E.	W.	F.	30	Wife		1			
79			Ranie, Bertin	W.	M.	1	Son					
80			Ranie, Edward	W.	M.	1	do					
81	29	29	Knutson, Nelson, farmer	W.	M.	35	Head of family		1			5
82			Knutson, Guro	W.	F.	29	Wife		1			
83			Knutson, Knut	W.	M.	7	Son					
84			Knutson, Bertin	W.	M.	5	do					
85			Knutson, Ingfred	W.	M.	3	do					
86			Knutson, Tom	W.	M.	1	do					
87	30	30	Honech, Fred, farmer	W.	M.	36	Head of family		1			45
88			Honech, Tillie	W.	F.	28	Wife		1			
89			Honech, Dina	W.	F.	1	Daughter					
90	31	31	Yonukasta, Martin, farmer	W.	M.	65	Head of family		1			6
91			Yonukasta, Julia	W.	F.	45	Wife		1			
92			Yonudasta, Robert	W.	M.	15	Son					
93	32	32	Krejowski, Joseph, farmer	W.	M.	30	Head of family		1			6
94			Krejowski, Carolina	W.	F.	31	Wife		1			
95			Krejowski, Lina	W.	F.	11	Daughter					
96	33	33	Kincaid, Samuel, farmer	W.	M.	33	Head of family				2	
97			Kincaid, Manuel	W.	F.	30	Wife		1			
98			Kincaid, Henry, farmer	W.	M.	11	Son					
99			Kincaid, John T., farmer	W.	M.	26	Head of family		1			1
100			Kincaid, Rachel	W.	F.	20	Wife		1			
101			Kincaid, E. E.	W.	M.	12	Son					
102	35	35	Morton, Manuel, farmer	W.	M.	23	Head of family		1			1
103	36	36	Kincaid, J. A., farmer	W.	M.	21	do				1	
104	37	37	Rust, Robert, farmer	W.	M.	30	do		1			
105	38	38	Thompson, Tom, farmer	W.	M.	25	do		1			
106			Thompson, Isabella	W.	F.	21	Wife		1			
107	39	39	Leech, W. A., farmer	W.	M.	23	Head of family		1			
108			Leech, Eather	W.	M.	31	Wife		1			
109			Leech, May	W.	F.	4	Daughter					
110			Leech, Lois	W.	F.	3	do					
111			Leech, Alice	W.	F.	1	do					
112	40	40	Brumley, Hermann, farmer	W.	M.	41	Head of family		1			32
113			Brumley, Emma J.	W.	F.	41	Wife		1			
114			Brumley, Minnie V.	W.	F.	16	Daughter		1			
115	41	41	McIntorf, James B., carpenter	W.	M.	35	Head of family		1			2
116			McIntorf, Ellen M.	W.	F.	28	Wife		1			
117			McIntorf, Charles C.	W.	M.	7	Son					
118			McIntorf, Nina	W.	F.	4	Daughter					
119	42	42	Goodbody, Richard, farmer	W.	M.	34	Head of family					2
120	43	43	Christianson, Peter, farmer	W.	M.	25	do					3
121			Christianson, Lina	W.	F.	23	Wife		1			
122	44	44	Keyser, George, farmer	W.	M.	38	Head of family		1			50
123			Keyser, Mary T.	W.	F.	37	Wife		1			
124			Keyser, Nettie	W.	F.	16	Daughter		1			
125			Keyser, Milton H.	W.	M.	14	Son		1			
126			Keyser, George W.	W.	M.	13	Son					
127			Keyser, Ida M.	W.	F.	11	Daughter					
128	45	45	Hannum, John W., farmer	W.	M.	29	Head of family		1			65
129			Hannum, Jane E.	W.	F.	25	Wife		1			
130			Hannum, Edward	W.	M.	4	Son					
131			Hannum, Morris	W.	M.	3	do					
132	46	46	Sterritt, Anna C., farmer	W.	F.	27	Head of family		1			10
133	47	47	Knight, John, farmer	W.	M.	24	do		1			30
134	48	48	Arten, John, farmer	W.	M.	43	do		1			35

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## BRULÉ COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday: years.	Relationship.	Single, 1.	Married, 1.	Widowed 1; divorced, D.	Land tilled.	Acres.
Inhabitants.	Dwellings.	Families.										
135	..	..	Arten, Mary	W	F	40	Wife					
136	..	..	Arten, Henry, farmer	W	M	18	Son	1	1			
137	..	..	Arten, Anna	W	F	14	Daughter					
138	..	..	Arten, John, jr.	W	M	12	Son					
139	..	..	Arten, Mary	W	F	10	Daughter					
140	..	..	Arten, Julia	W	F	7	do.					
141	..	..	Arten, Joseph	W	M	2	Son					
142	..	..	Arten, Luddie	W	F	2	Daughter					
143	49	49	Timerhoff, W. H., jr., farmer	W	M	47	Head of family	1				
144	50	50	do.	W	M	40	do.	1	1			
145	51	51	Sanborn, Alice J., farmer	W	F	23	do.	1				
146	52	52	Fales, Ida B., farmer	W	F	27	do.	1	1			
147	53	53	Wesner, Cicero, farmer	W	M	49	do.	1				18
148	..	..	Wesner, Fannie	W	F	31	Wife		1			
149	54	54	Wesner, James H.	W	M	28	Head of family			1		
150	..	..	Wesner, Laura	W	F	4	Daughter					
151	..	..	Wesner, Charles	W	M	1	Son					
152	..	..	Bailey, Dora	W	F	14	Step-daughter					
153	55	55	Wood, George R., farmer	W	M	42	Head of family	1				9
154	56	56	Fry, Lemuel, farmer	W	M	35	do.		1			7
155	..	..	Fry, Ida E.	W	F	25	Wife		1			
156	..	..	Fry, Sidney J.	W	M	6	Son					
157	..	..	Fry, M. E.	W	F	4	Daughter					
158	..	..	Fry, Myrtle	W	F	2	do.					
159	..	..	Fry, Margaret	W	F	4	do.					
160	57	57	Ashley, Lidget, brick-mason	W	M	63	Head of family		1			5
161	..	..	Ashley, Ellen	W	F	38	Wife		1			
162	..	..	Ashley, Charles, jr., farmer	W	M	26	Son	1				
163	..	..	Ashley, Wm. C., farmer	W	M	24	do.	1				
164	..	..	Ashley, Paul, farmer	W	M	22	do.	1				
165	..	..	Ashley, Thomas F., farmer	W	M	20	do.	1				
166	..	..	Ashley, Louis, farmer	W	M	17	do.	1				
167	..	..	Ashley, Arthur	W	M	7	do.					
168	..	..	Ashley, Ida M.	W	F	3	Daughter					
169	..	..	Ashley, Grover C.	W	M	19	Son					
170	58	58	Dalziel, Eliza, farmer	W	F	53	Head of family			1		60
171	..	..	Dalziel, James A.	W	M	15	Son					
172	..	..	Dalziel, Margaret	W	F	12	Daughter					
173	..	..	Dalziel, Daisy	W	F	10	do.					
174	..	..	Dalziel, Wm. H.	W	M	7	Son					
175	..	..	Dalziel, Ross	W	M	2	do.					
176	59	59	Tomsek, John, farmer	W	M	48	Head of family		1			3
177	..	..	Tomsek, Tonne	W	F	48	Wife		1			
178	..	..	Tomsek, Julia	W	F	19	Daughter	1				
179	..	..	Tomsek, Emma	W	F	18	do.	1				
180	..	..	Tomsek, John	W	M	18	Son	1				
181	..	..	Tomsek, Tom	W	M	14	do.	1				
182	..	..	Tomsek, Mary	W	F	10	Daughter					
183	..	..	Tomsek, Anna	W	F	8	do.					
184	..	..	Tomsek, Barbara	W	F	6	do.					
185	60	60	Chase, William, farmer	W	M	29	Head of family		1			
186	61	61	Button, Frank D., farmer	W	M	29	do.					40
187	..	..	Button, Rose	W	F	26	Wife		1			
188	..	..	Button, Grace	W	F	5	Daughter					
189	..	..	Button, Ray	W	M	2	Son					
190	..	..	Button, Sylvester	W	M	1	do.					
191	62	62	Ullom, James B., farmer	W	M	28	Head of family		1			4
192	..	..	Ullom, Mellissa	W	F	21	Wife					
193	..	..	Ullom, Mary	W	F	2	Daughter					
194	..	..	Ullom, Bertha	W	F	1	do.		1			
195	63	63	Lockwood, Samuel, farmer	W	M	59	Head of family		1			5
196	..	..	Lockwood, Rebecca	W	F	42	Wife		1			
197	..	..	Lockwood, Anna	W	F	14	Daughter					
198	..	..	Lockwood, Sarah	W	F	10	do.					
199	..	..	Lockwood, Grace	W	F	8	do.					
200	64	64	Smith, Albert F., farmer	W	M	34	Head of family		1			5
201	..	..	Smith, Hilda	W	F	30	Wife		1			
202	..	..	Smith, Frank	W	M	13	Son					
203	..	..	Smith, Orel	W	M	2	do.					
204	..	..	Smith, Roy	W	M	17	do.					

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## BRULÉ COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday: years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tilled.
	Inhabitants.	Dwellings.	Families.								
205	65	65	Place, W. H., farmer.....	W.	M.	36	Head of family..		1		Acres. 40
206			Place, Nicholas.....	W.	F.	37	Wife.....		1		
207			Place, Ellsworth.....	W.	M.	12	Son.....				
208			Place, Ernest.....	W.	M.	10	do.....				
209			Place, Nancy F.....	W.	F.	7	Daughter.....				
210	66	66	Moore, Wm. H., farmer and veterinary surgeon.....	W.	M.	39	Head of family..		1		9
211			Moore, Emma.....	W.	F.	29	Wife.....		1		
212			Moore, Kate M.....	W.	F.	12	Daughter.....				
213			Moore, Charles H.....	W.	M.	10	Son.....				
214	67	67	Schwieson, Charles, farmer.....	W.	M.	33	Head of family..		1		15
215			Schwieson, Louisa.....	W.	F.	23	Wife.....		1		
216			Schwieson, Joseph.....	W.	M.	8	Son.....				
217			Schwieson, Henry.....	W.	M.	6	do.....				
218			Schwieson, Sophia.....	W.	M.	5	Daughter.....				
219			Schwieson, Hannah.....	W.	F.	4	do.....				
220			Schwieson, Fred.....	W.	M.	2	Son.....				
221			Schwieson, Nina.....	W.	F.	1	Daughter.....				
222	68	68	Young, Warner, farmer.....	W.	M.	30	Head of family..		1		80
223			Young, Frances.....	W.	F.	23	Wife.....		1		
224			Young, Frank.....	W.	M.	10	Son.....				
225			Young, Charles.....	W.	M.	8	do.....				
226			Young, Anna.....	W.	F.	6	Daughter.....				
227			Young, Walter.....	W.	M.	4	Son.....				
228			Young, Milton.....	W.	M.	2	do.....				
229			Young, Winnie M.....	W.	F.	1	Daughter.....				
230	69	69	Dorsey, Michael, farmer.....	W.	M.	28	Head of family..		1		1
231			Dorsey, Caroline.....	W.	F.	26	Wife.....		1		
232			Dorsey, John.....	W.	M.	8	Son.....				
233			Dorsey, Mary.....	W.	F.	7	Daughter.....				
234			Dorsey, James.....	W.	M.	6	Son.....				
235			Dorsey, Ella.....	W.	F.	4	Daughter.....				
236			Dorsey, Lawrence.....	W.	M.	1	Son.....				
237	79	70	Monahan, Jos. farmer.....	W.	M.	67	Head of family..			1	2
238			Donnelson, Mary.....	W.	F.	53	Mother-in-law.....			1	
239	71	71	Miles, Lafayette, carpenter.....	W.	M.	40	Head of family..		1		2
240			Miles, Addie.....	W.	F.	37	Wife.....		1		
241			Miles, Lillie.....	W.	F.	13	Daughter.....				
242			Miles, Alfred.....	W.	M.	10	Son.....				
243			Miles, Edna.....	W.	F.	8	Daughter.....				
244			Miles, Gracie.....	W.	F.	6	do.....				
245	72	72	Sanford, James, farmer.....	W.	M.	25	Head of family..		1		1
246			Sanford, Effie.....	W.	F.	19	Wife.....		1		
247			Sanford, Mabel.....	W.	F.	1	Daughter.....				
248	73	73	Haviland, Asa M., farmer.....	W.	M.	50	Head of family..		1		28
249			Haviland, Jane.....	W.	F.	48	Wife.....		1		
250			Haviland, Clarence, farmer.....	W.	M.	26	Son.....		1		
251			Haviland, Wm., farmer.....	W.	M.	20	Son.....		1		
252			Haviland, Sarah A.....	W.	F.	12	Daughter.....				
253			Haviland, Cora F.....	W.	F.	6	Daughter.....				
254	74	74	Haviland, Lindley, farmer.....	W.	M.	29	Head of family..		1		10
255			Haviland, Anna.....	W.	F.	26	Wife.....		1		
256			Haviland, Stella.....	W.	F.	1	Daughter.....				
257	75	75	Baker, John N., farmer.....	W.	M.	25	Head of family..		1		1
258			Baker, Irene.....	W.	F.	23	Wife.....		1		
259			Baker, Wm.....	W.	M.	2	Son.....				
260			Baker, Ethel.....	W.	F.	1	Daughter.....				
261	76	76	Nelson, Nicholi, farmer.....	W.	M.	63	Head of family..		1		1
262			Nelson, Julia.....	W.	F.	60	Wife.....		1		
263	77	77	Nelson, Erik, farmer.....	W.	M.	20	Son.....		1		
264	78	78	Skogan, Andrew, farmer.....	W.	M.	30	Head of family..		1		4
265			Skogan, Christina.....	W.	F.	25	Wife.....		1		
266			Skogan, Edwin.....	W.	M.	1	Son.....				
267	79	79	Lawton, Wm J., farmer.....	W.	M.	34	Head of family..		1		1
268			Lawton, Clara B.....	W.	F.	25	Wife.....		1		
269			Lawton, Wm. J., jr.....	W.	M.	1	Son.....				
270	80	80	Jear, Julia L., teacher.....	W.	F.	22	Head of family..		1		1
271	81	81	Marshall, G. W., teacher.....	W.	M.	23	Head of family..		1		5
272	82	82	Glass, John, farmer.....	W.	M.	41	Head of family..		1		100
273			Glass, Ziptha.....	W.	F.	37	Wife.....		1		



*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## BRULÉ COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday: years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tiled.	
	Inhabitants.	Dwellings.	Families.									
274				Glass, Jennie	W.	F.	16	Daughter	1			Acres.
275				Glass, Milo	W.	M.	14	Son				
276				Cleveland, James, farmer	W.	M.	90	Father-in-law		1		
277				Cleveland, Jane	W.	F.	80	Mother-in-law		1		
278	83	88		Thompson, Andrew, farmer	W.	M.	38	Head of family		1		100
279				Thompson, Bertie	W.	F.	44	Wife		1		
280				Thompson, Peter	W.	M.	13	Son				
281				Thompson, Charles	W.	M.	11	do				
282				Thompson, Thomas	W.	M.	9	do				
283	84	84		Sackett, Ashman, farmer	W.	M.	55	Head of family		1		80
284				Sackett, Sarah A.	W.	F.	50	Wife		1		
285				Sackett, Orang M.	W.	M.	16	Son				
286				Sackett, Edward	W.	M.	11	do				
287	85	85		Shanks, John, farmer	W.	M.	58	Head of family		1		100
288				Shanks, Mary	W.	F.	55	Wife		1		
289	86	86		Richards, Marshall, farmer	W.	M.	51	Head of family		1		45
290				Richards, Lucy	W.	F.	27	Wife		1		
291	87	87		Zelenka, John, farmer	W.	M.	36	Head of family		1		20
292				Zelenka, Barbara	W.	F.	32	Wife		1		
293				Zelenka, Lottie	W.	F.	8	Daughter				
294				Zelenka, John	W.	M.	6	Son				
295				Zelenka, Frank	W.	M.	4	do				
296	88	88		Zelenka, Thomas, farmer	W.	M.	79	Head of family		1		2
297				Zelenka, Josephine	W.	F.	78	Wife		1		
298	89	89		Thompson, Louis, restaurant	W.	M.	41	Head of family		1		2
299				Thompson, Isabella	W.	F.	35	Wife		1		
300				Thompson, William H.	W.	M.	16	Son		1		
301				Thompson, Frank	W.	M.	8	Son				
302				Thompson, Charles W.	W.	M.	1	do				
303				Thompson, Louis	W.	M.	1	do				
304				Priddle, Mary, domestic	W.	F.	12	Servant				
305				Priddle, Frances, domestic	W.	F.	18	do		1		
306	90	90		Richards, Sarah E., farmer	W.	F.	45	Head of family		1		175
307	91	91		Smith, Emma S., farmer	W.	F.	24	do		1		45
308	92	92		Whitlock, John H., surveyor	W.	M.	42	do				60
309				Whitlock, Frank	W.	M.	7	Son		1		
310	93	93		Varcor, Robert G., farmer	W.	M.	29	Head of family		1		20
311				Varcor, Lucy J.	W.	F.	28	Wife		1		
312	94	94		Varcor, John	W.	M.	35	Head of family		1		150
313				Varcor, Francis	W.	M.	21	Brother				
314	95	95		Taft, Edwin B., banker	W.	M.	32	Head of family				130
315				Taft, Lilla	W.	F.	29	Wife		1		
316	96	96		Kennedy, Walter E., carpenter	W.	M.	31	Head of family		1		60
317				Kenedy, Hannah	W.	F.	27	Wife		1		
318				Kenedy, Edith	W.	F.	2	Daughter				
319	97	97		Greene, Edwin, lawyer	W.	M.	45	Head of family		1		55
320	98	98		Banton, Herman, drayman	W.	M.	30	do				20
321				Banton, Clara, milliner	W.	F.	25	Wife		1		
322				Banton, May	W.	F.	1	Daughter				
323	99	99		Lowe, Hugh, farmer	W.	M.	33	Head of family		1		24
324				Lowe, Marian	W.	F.	22	Wife		1		
325				Lowe, Agnes F.	W.	F.	8	Daughter				
326	100	100		Nelson, Peter, hotel-keeper	W.	M.	57	Head of family		1		100
327				Nelson, Hannah	W.	F.	48	Wife		1		
328				do	W.	F.	10	Daughter				
329				Nelson, Peter	W.	M.	5	Son				
330	101	101		Griffith, Thomas	W.	M.	27	Head of family		1		75
											2, 212½	

NOTE.—This report includes only such persons as were, upon June 1, 1885, residents upon that portion of the above-described district described as follows: All of townships 104 and 105, range 69; all of township 105, range 70; and all that portion of township 104, range 70, lying north and east of American Creek.

It will be observed that the districts herein reported upon, lying in Brulé County, Dakota, do not include the western half of sections 6, 7, 18, 19, 30, and 31, of township 105, range 68. This strip of land was restored to the public domain by order of President Arthur, but it has been found impossible to distinguish, upon the schedules of the enumerator who took the census in a district including these halves of sections, exactly what persons were found upon this portion of his district. This small strip will therefore have to go unaccounted for.



*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## SUMMARY.

Number of inhabitants.....	330
Number of dwellings.....	101
Number of farms.....	101
Number of acres of land tilled.....	2,212½

## RECAPITULATION OF BRULÉ COUNTY.

Number of inhabitants.....	356
Number of dwellings.....	109
Number of farms.....	109
Number of acres of land tilled.....	2,212½

## BUFFALO COUNTY.

[Enumeration District No. 158; Stillman B. Moulton, enumerator. District comprising all that portion of Buffalo County, Territory of Dakota, until lately known as Indian reservation, which was restored to the public domain by Chester A. Arthur, President, and, in addition thereto, the east half of section 18, township 107, range 68.]

Numbered in order of visitation.				Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age at last birthday, years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tilled.
	Inhabitants.	Dwellings.	Families.									
1	1	1		Sorenson, Tolif, blacksmith.....	W.	M.	42	Head of family..		1		Acres. 6
2				Sorenson, Sarah.....	W.	F.	40	Wife.....		1		
3				Sorenson, Christian, farmer.....	W.	M.	18	Son.....	1			
4				Sorenson, Benjamin, farmer.....	W.	M.	16	do.....	1			
5				Sorenson, Caroline.....	W.	F.	13	Daughter.....				
6				Sorenson, Laura.....	W.	F.	7	do.....				
7				Sorenson, Edward.....	W.	M.	6	Son.....				
8		2	2	Grandset, Andrew, farmer.....	W.	M.	81	Head of family.....		1		1
9				Grandset, Mollie.....	W.	F.	50	Wife.....		1		
10				Grandset, Butler.....	W.	M.	7	Son.....				
11		3	3	Hanson, Thomas E., farmer.....	W.	M.	30	Head of family.....		1		1
12				Hanson, Susan.....	W.	F.	38	Wife.....		1		
13				Hanson, Iver.....	W.	M.	7	Son.....				
14	4	4		Sorenson, Tolif, jr., farmer.....	W.	M.	23	Head of family.....	1			4
15	5	5		Henderson, M. J., farmer.....	W.	M.	21	do.....	1			6
16	6	6		Newman, Frederick, farmer.....	W.	M.	47	do.....		1		4
17				Newman, Louisa.....	W.	F.	38	Wife.....		1		
18				Newman, Alvena.....	W.	F.	12	Daughter.....				
19				Newman, Frank.....	W.	M.	9	Son.....				
20				Newman, Lizzie.....	W.	F.	3	Daughter.....				
21	7	7		Andrews, William H., blacksmith.....	W.	M.	51	Head of family.....	1			2
22	8	8		Miller, Mack, farmer.....	W.	M.	25	do.....	1			3
23	9	9		Fuller, Randall, farmer.....	W.	M.	60	do.....		1		20
24	10	10		Dahlrymple, John, farmer.....	W.	M.	35	do.....	1			10
25	11	11		Nestigard, Kanute, farmer.....	W.	M.	25	do.....	1			10
26	12	12		Evans, John A., farmer.....	W.	M.	60	do.....		1		5
27				Evans, Mary.....	W.	F.	55	Wife.....		1		
28	13	13		Maggner, Frank, farmer.....	W.	M.	23	Head of family.....	1			2
29	14	14		Welch, Michael, farmer.....	W.	M.	55	do.....		1		3
30				Welch, Catherine.....	W.	F.	56	Wife.....		1		
31	15	15		Hamilton, James, farmer.....	W.	M.	30	Head of family.....	1			6
32	16	16		Gebhart, Jacob, farmer.....	W.	M.	40	do.....	1			3
33	17	17		Ingersen, Jesse, farmer.....	W.	M.	22	do.....	1			4
34	18	18		Ingerson, Nelson, farmer.....	W.	M.	24	do.....	1			10
35	19	19		Junkers, John, farmer.....	W.	M.	30	do.....	1			4
36	20	20		Evans, Jenkins, farmer.....	W.	M.	22	do.....	1			4
												108

NOTE.—Upon the books of this office the above enumeration district is officially described as "section 18, township 107, range 68, and all that portion of Buffalo County formerly known as the Crow Creek Indian Reservation, lying in Buffalo County, Territory of Dakota." The law under which the census was taken required that all enumerators should reside in the district for which they were appointed. Moulton resided upon the east half of section 18, township 107, range 68, hence that half of that section was added to the reservation, so as to comply with that provision of the law referred to.

In this report are included only such persons as were found by the enumerator residing upon that portion of the reservation which was restored to the public domain by President Arthur, and which is shown on the map of Buffalo County by blue shading.

Upon the east half of 18, 107, 68, were nine persons; they are not, however, mentioned in this report.

## RECAPITULATION OF BUFFALO COUNTY.

Number of inhabitants.....	36
Number of dwellings.....	20
Number of farms.....	20
Number of acres of land tilled.....	180

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HAND COUNTY.

NOTE.—That portion of Hand County which was formerly Indian reservation, and which was restored to the public domain by President Arthur, is shown upon the accompanying map by blue shading.

It was included in Enumeration District No. 51; L. D. Sweetland, enumerator.

It was found impossible to distinguish from his schedules exactly what persons were found upon this portion of the district.

This strip of land will, therefore, have to go unaccounted for.

## HYDE COUNTY.

[Enumeration Districts Nos. 44 and 45. Enumeration District No. 44; Thomas H. Maguire, enumerator. District comprising townships 109, 110, 111, 112, 113, 114, 115, and 116, range 73, lying in Hyde County, Dakota.]

NOTE.—Enumerator No. 44 reports no persons June 1, 1885, on that portion of his district which was restored to the public domain by President Arthur.

He says, however, that there had been large numbers of persons residing there before June 1, but that they had left their homes upon the issuing of the order of President Cleveland, revoking the order of President Arthur.

[Enumeration District No. 45; Titus E. Price, enumerator. District comprising townships 109, 110, 111, 112, 113, and 114, range 72, and townships 109 and 110, range 71; lying in Hyde County, Dakota.]

NOTE.—This report includes only such persons as were upon June 1, 1885, residents upon that portion of the above-described district, described as follows:

Township 109 and 110, range 71 and 72, and that portion of sections 31, 32, 33, 34, 35, and 36, township 111, range 72, which was restored to the public domain by President Arthur.

NOTE TO HYDE COUNTY.—It will be observed that the districts herein reported upon, lying in Hyde County, Dakota, do not include that portion of sections 31, 32, 33, 34, 35, and 36, township 111, range 71, which was restored to the public domain by President Arthur.

It has been found impossible to distinguish upon the schedules of the enumerator who took the census in a district including this portion of these sections, exactly what persons were found thereon. This small strip will, therefore, have to go unaccounted for.

Inhabitants.	Numbered in order of visitation.		Name and occupation.	Color: white—W; black—B, &c.			Sex: male—M; female—F.	Age, at last birthday; years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tiled.
	Dwellings.	Families.											
1	1	1	Martin, Elisha, lawyer	W.	M.	34	Head of family				1		Acres.
2			Martin, Emma L.	W.	F.	29	Wife				1		
3			Martin, Clyde S.	W.	M.	14	Son						
4	2	2	Cadwallader, Dalles L., farmer	W.	M.	25	Head of family				1		
5			Cadwallader, Frances	W.	F.	25	Wife				1		
6			Cadwallader, Jessie D.	W.	M.	4	Son						
7	3	3	Keglallenger, Abram, farmer	W.	M.	60	Head of family					1	
8	4	4	Boller, Andrew, landlord	W.	M.	28	do				1		
9			Boller, Carrie	W.	F.	22	Wife				1		
10			Boller, Fred. A.	W.	M.	14	Son						
11	5	5	Crosser, Hugo, shoemaker	W.	M.	64	Head of family					1	
12	6	6	Belyrne, Findley, carpenter	W.	M.	56	do				1		
13	7	7	Dibble, Aaron A., livery stable	W.	M.	32	do			1			
14	8	8	Gordon, Mollie, domestic	W.	F.	24	Servant				1		
15	9	9	Kingsbury, Lloyd L., merchant	W.	M.	21	Head of family				1		
16	10	10	Moran, Annie	W.	F.	25	do			1			
17	11	11	Brook, John C., farmer	W.	M.	54	do				1		25
18			Brook, Frances J.	W.	F.	53	Wife				1		
19			Brook, Anna E.	W.	F.	21	Daughter			1			

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HYDE COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age at last birthday: years.	Relationship.	Single, I.	Married, I.	Widowed, I.; divorced, D.	Land tilled.	Acres.
Inhabitants.	Dwellings.	Families.										
20	12	12	Brook, George H., farmer.....	W.	M.	23	Son.....	1				
21	13	13	Brewster, Harriet, farmer.....	W.	F.	43	Head of family.....			1		
22	14	14	Meigs, Sylvanus R., farmer.....	W.	M.	46	do.....		1			
23			Meigs, Georgiana.....	W.	F.	41	Wife.....		1			
24			Meigs, Simeon.....	W.	M.	19	Son.....	1				
25			Meigs, Bessie.....	W.	F.	17	Daughter.....	1				
26			Meigs, Zilla.....	W.	F.	16	do.....	1				
27			Meigs, Sylvester.....	W.	M.	13	Son.....					
28			Meigs, Frank P.....	W.	M.	11	do.....					
29			Meigs, Austin P.....	W.	M.	1	do.....					
30	15	15	Shearer, John, farmer.....	W.	M.	56	Head of family.....		1			
31			Shearer, Sarah E.....	W.	F.	43	Wife.....		1			
32			Shearer, Robert.....	W.	M.	15	Son.....					
33			Shearer, John H.....	W.	M.	11	do.....					
34			Shearer, Anna M.....	W.	F.	9	Daughter.....					
35			Shearer, Ralph.....	W.	M.	7	Son.....					
36			Shearer, Edna.....	W.	F.	3	Daughter.....					
37	16	16	Traver, Samuel, farmer.....	W.	M.	47	Head of family.....		1			
38			Traver, Ella.....	W.	F.	30	Wife.....		1			
39			Traver, Alice.....	W.	F.	8	Daughter.....					
40			Traver, George.....	W.	M.	6	Son.....					
41			Traver, Bertha.....	W.	F.	4	Daughter.....					
42			Traver, Edna.....	W.	F.	1	do.....					
43	17	17	Sherwood, Arthur, farmer.....	W.	M.	28	Head of family.....	1				
44	18	18	Sherwood, Annie, farmer.....	W.	F.	17	Sister.....	1				
45	19	19	Lippo, F. W., farmer.....	W.	M.	23	Head of family.....	1				
46	20	20	Mesick, Jacob S., farmer.....	W.	M.	48	do.....		1			
47			Mesick, Alice M.....	W.	F.	29	Wife.....		1			
48	21	21	Mesick, Fred. H., farmer.....	W.	M.	24	Head of family.....	1				
49	22	22	Mesick, Alonzo J., farmer.....	W.	M.	22	do.....	1				
50			Mesick, Mollie P.....	W.	F.	15	do.....	1				
51			Mesick, Louis H.....	W.	M.	6	do.....					
52			Mesick, Melville K.....	W.	M.	5	do.....					
53			Metcalf, Frank J., farmer.....	W.	M.	23	do.....	1				
54			Metcalf, Arthur A., farmer.....	W.	M.	24	Brother.....	1				
55	23	23	Van Horne, J., farmer.....	W.	M.	32	Head of family.....		1			35
56			Van Horne, E.....	W.	F.	18	Wife.....		1			
57			Van Horne, D. B.....	W.	F.	1	Daughter.....					
												60

NOTE.—After the commencement of the census work, District No. 197 was taken from the above-described district.

## RECAPITULATION OF HYDE COUNTY.

Number of inhabitants.....	57
Number of dwellings.....	23
Number of farms.....	23
Number of acres of land tilled.....	6

*A list of persons, who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HUGHES COUNTY.

[Enumeration Districts Nos. 41 and 197. Enumeration District No. 41; E. E. Hawkes, enumerator. District comprising all that portion of Hughes County, Dakota Territory, formerly known as the Winnebago Indian Reservation, included in townships 108, 109, 110, and 111, ranges 73, 74, 75, 76, 77.]

Numbered in order of visitation.			Name.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age: at last birthday, years.	Relationship.	Single, 1.	Married, 1.	Widowed 1; divorced, D.	Land tilled, Acres.
Inhabitants.	Dwellings.	Families.									
1	1	1	Murrem, Orville, farmer.....	W.	M.	24	Head of family.....	1			10
2	2	2	LeBanc, Albert, farmer.....	W.	M.	22	do.....	1			5
3	3	3	Murry, J. H., farmer.....	W.	M.	27	do.....		1		
4	4	4	Murry, Anna.....	W.	F.	32	Wife.....	1	1		
5	4	4	Manuel, farmer.....	W.	M.	26	do.....				
6	5	5	Metzger, Charles, farmer.....	W.	M.	22	Head of family.....	1			
7	6	6	O. Grady, James, farmer.....	O.	M.	45	do.....	1			1
8	7	7	Gregory, Ransom, farmer.....	W.	M.	45	do.....		1		4
9			Gregory, Ellen.....	W.	F.	42	Wife.....	1	1		
10			Gregory, Carrie.....	W.	F.	16	Daughter.....	1			
11			Gregory, Elmer.....	W.	M.	8	Son.....				
12	8	8	McKenna, Barney, farmer.....	W.	M.	35	Head mly.....	1			
13	9	9	Carney, Miles, farmer.....	W.	M.	28	do.....		1		
14			Carney, Hattie.....	W.	F.	20	Wife.....		1		
15			Carney, Michael.....	W.	M.	1	Son.....				
16	10	10	Carney, Michael, farmer.....	W.	M.	60	Head of family.....	1			1
17			Carney, Bridget.....	W.	F.	63	Wife.....	1			
18	11	11	Carney, Michael, jr., farmer.....	W.	M.	25	Head of family.....	1			1
19			Carney, Lizzie.....	W.	F.	25	Wife.....		1		
20			Carney, Miles.....	W.	M.	3	Son.....				
21			Carney, Maria.....	W.	F.	2	Daughter.....				
22			Carney, Lizzie.....	W.	F.	1	do.....				
23	12	12	Powers, Michael, farmer.....	W.	M.	36	Head of family.....		1		1
24			Powers, Angeline.....	W.	F.	26	Wife.....		1		
25			Powers, Maggie.....	W.	F.	10	Daughter.....				
26			Powers, Michael J.....	W.	M.	9	Son.....				
27			Powers, Frank.....	W.	M.	7	do.....				
28			Powers, Sylvester.....	W.	M.	5	do.....				
29			Powers, Myra.....	W.	F.	3	Daughter.....				
30	13	13	Hofher, Fred, farmer.....	W.	M.	63	Head of family.....	1			1
31	14	14	Yates, W. G., editor.....	W.	M.	23	do.....	1			
32	15	15	Nye, J. R., insurance agent.....	W.	M.	31	do.....	1			
33	16	16	William, farmer.....	W.	M.	32	do.....	1			
34	17	17	Silvey, Emmanuel, stockman.....	W.	M.	29	do.....		1		
35			Silvey, Addie.....	W.	F.	26	Wife.....		1		
36			Silvey, Frank.....	W.	M.	2	Son.....				
37			Silvey, Julia.....	W.	F.	1	Daughter.....				
38	18	18	Hawkes, E. E., farmer.....	W.	M.	25	Head of family.....		1		2
39			Hawkes, Alma H.....	W.	F.	23	Wife.....		1		
40			Hawkes, Jennie P.....	W.	F.	27	Sister.....	1			2
41	20	20	Hannah, W. F., farmer.....	W.	M.	21	Head of family.....	1			2
42	21	21	William, farmer.....	W.	M.	30	do.....	1			
43	22	22	Howard, Henry, farmer.....	W.	M.	40	do.....	1			
44	23	23	Woodward, William, farmer.....	W.	M.	33	do.....	1			1
45	24	24	Johuson, —, farmer.....	W.	M.	33	do.....	1			
46	25	25	Bunning, J. H., farmer.....	W.	M.	25	do.....	1			3
47	26	26	Wild, Edward, farmer.....	W.	M.	38	do.....	1			2
48	27	27	Opie, Clarence.....	W.	M.		do.....				
49	28	28	Raber, H. A.....	W.	F.		do.....				
50	29	29	Hines, John, well borer.....	W.	M.	29	do.....	1			
51	30	30	Hoodrow, John, farmer.....	W.	M.	23	do.....	1			
52	31	31	Whitman, Henry, farmer.....	W.	M.	24	do.....	1			1
53	32	32	Monkhouse, James, farmer.....	W.	M.	36	do.....	1			4
54	33	33	Gahart, Nick, farmer.....	W.	M.	28	do.....	1			11
55	34	34	Bausom, Wm. H., farmer.....	W.	M.	33	do.....	1			
56	35	35	Garvin, M. M., farmer.....	W.	M.	22	do.....	1			
57	36	36	Price, L. W., farmer.....	W.	M.	30	do.....	1			11
58	37	37	Reddick, Albert, farmer.....	W.	M.	35	do.....		1		5
59			Reddick, Edna.....	W.	F.	30	Wife.....				
60			Reddick, Bert.....	W.	M.	11	Son.....				
61			Reddick, Myra.....	W.	F.	9	Daughter.....				
62			Reddick, George.....	W.	M.	4	Son.....				
63	38	38	Bracken, George, farmer.....	W.	M.	28	Head of family.....	1			4
64	39	39	Rowley, L. P., farmer.....	W.	M.	42	do.....		1		

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HUGHES COUNTY—Continued.

Numbered in order of visitation.			Name.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday, years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tilled.	Acres.
Inhabitants.	Dwellings.	Families.										
65	...	...	Rowley, Fannie.	W.	F.	27	Wife.	1				
66	...	...	Rowley, Eva.	W.	F.	10	Daughter.					
67	...	...	Rowley, Lillie	W.	F.	8	do.					
68	...	...	Rowley, William.	W.	M.	6	Son.					
69	...	...	Rowley, Minnie.	W.	F.	5	Daughter.					
70	...	...	Rowley, Geo. W.	W.	M.	5	Son.					
71	40	40	Malcom, T.	W.	M.	26	Head of family.	1				
72	41	41	Raber, George, farmer.	W.	M.	55	do.		1			7
73	...	...	Raber, James	W.	F.	53	Wife.		1			
74	...	...	Raber, Isabella	W.	F.	12	Daughter.					
75	42	42	Raber, Hannah	W.	F.	20	do.			1		
76	43	43	Opie, P. K., farmer.	W.	M.	32	Head of family.		1			1
77	...	...	Opie, Edith	W.	F.	23	Wife.		1			
78	...	...	Opie, Ethel	W.	F.	4	Daughter.					
79	44	44	Baird, H. E., farmer.	W.	M.	22	Head of family.	1				
80	45	45	Little, William, farmer.	W.	M.	28	do.	1				7
81	46	46	Owen, Charles, farmer.	W.	M.	33	do.		1			10
82	47	47	McGrady, W. G., lawyer	W.	M.	25	do.	1				10
83	48	48	Nixon, John, farmer.	W.	M.	51	do.		1			2
84	49	49	Billings, M. E., farmer.	W.	M.	32	do.	1				4
85	50	50	Billings, Benjamin, farmer.	W.	M.	26	do.		1			5
86	...	...	Billings, Retta	W.	F.	21	Wife.		1			
87	...	...	Billings, Edith	W.	F.	9	Daughter.					
88	51	51	Chambers, R., farmer.	W.	M.	31	Head of family.	1				
89	52	52	Chambers, James, farmer	W.	M.	84	do.		1			1
90	...	...	Chambers, Catherine	W.	F.	66	Wife.		1			
91	53	53	Chambers, James J., farmer.	W.	M.	23	Son.	1				
92	54	54	Cummings, John, farmer.	W.	M.	28	Head of family.		1			4
93	...	...	Cummings, Kate	W.	F.	37	Wife.		1			
94	...	...	Cummings, Frank	W.	M.	5	Son.					
95	55	55	Stevens, Walter, carpenter	W.	M.	24	Head of family.		1			1
96	...	...	Stephens, Laura.	W.	F.	19	Wife.		1			
97	56	57	Dickie, E. W., farmer	W.	M.	28	Head of family.	1				1
98	57	57	Delano, N. A., farmer	W.	M.	37	do.		1			
99	...	...	Delano, H. A.	W.	F.	28	Wife.		1			1
100	...	...	Delano, C. A.	W.	F.	11	Daughter.					
101	58	58	Lowrie, Thomas, farmer	W.	M.	32	Head of family.		1			
102	59	59	Yeddis, James, farmer	W.	M.	29	do.	1				
103	...	...	Lowrie, May	W.	F.	31	Wife (58)		1			
104	60	60	Kelley, J. L., well driller	W.	M.	25	Head of family.	1				
105	61	61	Cogden, George, farmer.	W.	M.	35	do.		1			1
106	...	...	Cogden, Kate	W.	F.	28	Wife.		1			
107	...	...	Cogden, Maude	W.	F.	3	Daughter.					
108	...	...	Cogden, K. M.	W.	F.	5	do.					
109	62	62	Scovell, H. A., farmer	W.	M.	33	Head of family.		1			14
110	...	...	Scovell, M. E.	W.	F.	31	Wife.		1			
111	...	...	Scovell, Gertie	W.	F.	7	Daughter.					
112	...	...	Scovell, Allen.	W.	M.	3	Son.					
113	63	63	DeHart, O., farmer	W.	M.	25	Head of family.		1			26
114	...	...	DeHart, M. A.	W.	M.	18	Wife.		1			
115	64	64	DeHart, Scott, farmer	W.	M.	22	Head of family.	1				
116	65	65	DeHart, Lyman, farmer	W.	M.	23	do.	1				
117	66	66	Ricker, Peter, farmer.	W.	M.	28	do.	1				
118	67	67	Brigal, A., farmer	W.	M.	60	do.		1			
119	68	68	Rich, Albert, farmer	W.	M.	25	do.		1			1
120	...	...	Rich, Maggie	W.	F.	24	Wife.		1			
121	...	...	Rich, Laura	W.	F.	6	Daughter.					
122	...	...	Rich, Lowell	W.	M.	4	Son.					
123	69	69	Hart, Frank, farmer	W.	M.	35	Head of family.		1			4
124	...	...	Hart, Elizabeth	W.	F.	30	Wife.		1			
125	...	...	Hart, Charles	W.	M.	10	Son.					
126	...	...	Hart, Willie	W.	M.	6	Son.					
127	70	70	Repy, T. G., carpenter	W.	M.	31	Head of family.		1			
128	...	...	Repy, Nancy	W.	F.	32	Wife.		1			
129	...	...	Repy, Thos	W.	M.	1	Son.					
130	71	71	Case, Frank, farmer	W.	M.	30	Head of family.		1			2
131	...	...	Case, Josephine.	W.	F.	21	Wife.		1			
132	...	...	Case,	W.	M.	5	Son.					
133	72	72	Davis, C. W., farmer.	W.	M.	35	Head of family.	1				2



*A list of persons, who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HUGHES COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age, at last birthday: years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; Divorced, D.	Land tilled.	Acres.
	Inhabitants.	Dwellings.	Families.									
134												
135												
136												
137												
138	73	73										
139												
140												
141												
142												
143	74	74										
144	75	75										
145												
146												
147	76	76										
148	77	77										
149												
150	78	78										
151	79	79										
152												
153												
154	80	80										
155												
156	81	81										
157												
158												
159												
160	82	82										
161												
162												
163												
164	83	83										
165												
166												
167												
168	84	84										
169	85	85										
170												
171												
172												
173	86	86										
174	87	87										
175	88	88										
176												
177												
178												
179	89	89										
180	90	90										
181	91	91										
182												
183												
184	92	92										
185												
186												
187	93	93										
188												
189	94	94										
190	95	95										
191	96	96										
192	97	97										
193	98	98										
194	99	99										
195												
196												
197												
198	100	100										
199	101	101										
200												
201												
202												
203	103	103										

*A list of persons, who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HUGHES COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color: white, W.; black, B., &c.	Sex: male, M.; female, F.	Age: at last birthday, years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tilled.
Inhabitants.	Dwellings.	Families.									
204			Wooliscraft, Nettie	W.	F.	32	Wife		1		Acres
205			Wooliscraft, Jane	W.	F.	11	Daughter				
206	104	104	Mills, Nellie	W.	F.	26	Head of family	1			2
207	105	105	Simpson, D. P., farmer	W.	M.	35	do		1		1
208			Simpson, Anna	W.	F.	31	Wife		1		
209			Wooliscraft, Josie	W.	F.	5	Daughter (No. 103).				
210			Simpson, Perry	W.	M.	7	Son				
211			Simpson, Alice	W.	F.	43	Daughter				
212	106	106	Gillen, Wm. L., painter	W.	M.	23	Head of family		1		5
213			Gillen, Goodroad	W.	F.	23	Wife		1		
214			Gillen, Susan	W.	F.	3	Daughter				
215			Gillen, Anna	W.	F.	6	do				
216			Gillen, John	W.	M.	4	Son				
217			Gillen, Baby	W.	F.	13	do				
218	107	107	Norris, Agnes, farmer	W.	F.	42	Head of family	1			
219	108	108	Thompson, W. S., merchant	W.	M.	38	do		1		1
220			Thompson, Anna	W.	F.	32	Wife		1		
221			Thompson, Mary	W.	F.	12	Daughter				
222			Thompson, Fred	W.	M.	8	Son				
223	109	109	Thompson, Z. S., farmer	W.	M.	38	Head of family		1		1
224			Thompson, E. F.	W.	F.	29	Wife		1		
225	110	110	Christopher, C. F., farmer	W.	M.	39	Head of family	1			5
226	111	111	Ranle, James E., farmer	W.	M.	37	Head of family	1			1
227	112	112	Chandler, A. M., farmer	W.	M.	47	do		1		1
228			Chandler, Eliza	W.	F.	42	Wife		1		
229	113	113	Caldwell, James, farmer	W.	M.	40	Head of family		1		1
230	114	114	Caldwell, John, farmer	W.	M.	30	do		1		2
231			Caldwell, Frank	W.	M.	14	Son				
232			Caldwell, Charles	W.	M.	11	do				
233			Caldwell, T.	W.	M.	3	do				
234			Caldwell, Roy	W.	M.	3	do				
235	115	115	Smith, George W., farmer	W.	M.	29	Head of family		1		4
236			Smith, Laura	W.	F.	21	Wife		1		
237			Smith, Claude	W.	M.	4	Son				
238			Smith, Gordon	W.	M.	13	do				
239	116	116	Ackerman, James B., farmer	W.	M.	40	Head of family		1		2
240			Ackerman, L.	W.	F.	32	Wife		1		
241			Ackerman, Jessie	W.	F.	13	Daughter				
242			Ackerman, Jennie	W.	F.	11	do				
243			Ackerman, Josie	W.	F.	10	do				
244			Ackerman, Anna	W.	F.	8	do				
245			Ackerman, George	W.	M.	6	Son				
246			Ackerman, Nettie	W.	F.	4	Daughter				
247			Ackerman, Bertha	W.	F.	2	do				
248	117	117	Monroe, E. M., farmer	W.	M.	47	Head of family		1		4
249			Monroe, P. H.	W.	F.	45	Wife		1		
250			Monroe, Edna	W.	F.	11	Daughter				
251	118	118	Rowell, L., farmer	W.	M.	79	Head of family		1	1	1
252	119	119	Rowell, H. H., farmer	W.	M.	25	Son		1		
253			Rowell, Huldah	W.	F.	24	Wife		1		
254	120	120	Stebbins, Enos, farmer	W.	M.	53	Head of family		1		3
255			Stebbins, M. M.	W.	F.	46	Wife		1		
256	121	121	Stebbins, C. L., farmer	W.	M.	23	Son		1		2
257	122	122	Stebbins, G. H., farmer	W.	M.	21	do		1		2
258			Stebbins, C. F.	W.	M.	5	do				
259	123	123	Harvey, W. S., market garden	W.	M.	38	Head of family	1			1
260	124	124	Stiles, J. E., farmer	W.	M.	39	do		1		3
261			Stiles, Elmira	W.	F.	35	Wife		1		
262			Stiles, F. A.	W.	M.	3	Son				
263	125	125	Nicholas, Fred, farmer	W.	M.	49	Head of family		1		5
264	126	126	Lippett, J. W., farmer	W.	M.	50	do		1		2
265			Lippett, Emily	W.	F.	52	Wife		1		
266	127	127	Lippett, C. H., farmer	W.	M.	28	Son		1		2
267			Lippett, H. H.	W.	F.	25	Wife		1		
268			Lippett, Della	W.	F.	3	Daughter				
269			Lippett, Ashley	W.	F.	1	do				
270	128	128	Walker, Albert, farmer	W.	M.	30	Head of family		1		
271			Walker, J. L.	W.	F.	27	Wife		1		1
272	129	129	Allen, Francis, farmer	W.	F.	34	Head of family			1	1
273			Allen, Mabel	W.	F.	14	Daughter				

*A list of persons who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HUGHES COUNTY—Continued.

Numbered in order of visitation.			Name and occupation.	Color; white, W.; black, B., &c.	Sex; male, M.; female, F.	Age: at last birthday, years.	Relationship.	Single, I.	Married, I.	Widowed, I.; divorced, D.	Land tilled.
	Inhabitants.	Dwellings.	Families.								
274				W.	M.	11	Son				Acres.
275				W.	F.	7	Daughter				
276	130	130		W.	F.	76	Head of family			1	1
277	131	131		W.	M.	30	Son	1			
278	132	132		W.	M.	40	Head of family	1			1
279	133	133		W.	M.	30	do	1			1
280	134	134		W.	M.	27	do	1			
281	135	135		W.	M.	40	do		1		1
282	136	136		W.	M.	28	do	1			1
283	137	137					do				4
284	138	138					do				6
285	139	139					do				1
286	140	140					do				6
287	141	141					do				1
288	142	142					do				5
289	143	143					do				
290	144	144					do				1
291	145	145					do				2
292	146	146					do				3
293	147	147					do				3
294	148	148					do				6
295	149	149					do				
296	150	150					do				2
297	151	151					do				1
298	152	152					do				2
299	153	153					do				1
300	154	154					do				3
301	155	155					do				2
302	156	156					do				
303	157	157					do				
304	158	158					do				2
305	159	159					do				
306	160	160					do				
307	161	161					do				1
308	162	162					do				
309	163	163					do				
310	164	164					do				
311	165	165					do				2
312	166	166					do				1
313	167	167					do				
Total											412½

## SUMMARY.

Number of inhabitants	313
Number of dwellings	167
Number of farms	167
Number of acres of land tilled	412½

*A list of persons, who, on June 1, 1885, were residents and occupying land upon the portions of the Crow Creek and Winnebago Reservations, &c.—Continued.*

## HUGHES COUNTY—Continued.

[Enumeration district No. 197, W. F. Hannah, enumerator. District comprising all of township 108, ranges 73 and 74, that lies in Hughes County, Dakota.

Inhabitants.	Numbered in order of visitation.		Name.	Color—white, W; black, B.	Sex—male, M; female, F.	Age at last birthday, years.	Relationship.	Single, 1.	Married, 1.	Widowed, 1; divorced, D.	Land tilled.
	Dwellings.	Families.									
1	1	1	Duell, William, farmer.....	W.	M.	54	Head of family.....	1			Acres.
2			Duell, Mary.....	W.	F.	50	Wife.....		1		
3			Duell, Arthur, farmer.....	W.	M.	25	Brother.....	1			
4	2	2	Tracy, A. S., farmer.....	W.	M.	55	Head of family.....	1			10
5			Tracy, E.....	W.	F.	48	Wife.....	1			
6	3	3	Tracy, A. G., farmer.....	W.	M.	23	Son.....	1			2
7			Tracy, G., cigar-maker.....	W.	M.	18	do.....	1			
8			Tracy, M., painter.....	W.	M.	16	do.....	1			
9			Tracy, E.....	W.	F.	11	Daughter.....				
10	4	4	Tanner, W., farmer.....	W.	M.	48	Head of family.....	1			2
11			Tanner, E.....	W.	F.	48	Wife.....	1			
12			Tanner, C.....	W.	F.	23	Daughter.....	1			
13			Tanner, H.....	W.	M.	13	Son.....	1			
14	5	5	Silva, John, farmer.....	W.	M.	60	Head of family.....	1			
15	6	6	Christian, Aug., farmer.....	W.	M.	21	do.....	1			
16	7	7	Chambers, James, farmer.....	W.	M.	85	do.....	1			
17			Chambers, Catherine.....	W.	F.	66	Wife.....	1			
18			Chambers, Charles, farmer.....	W.	M.	28	Son.....	1			
19	8	8	Myres, Dr., farmer.....	W.	M.	75	Head of family.....	1			2
20			Myres, Emma.....	W.	F.	52	Wife.....	1			
21			Myres, Effa.....	W.	F.	15	Daughter.....	1			
22	9	9	Evans, Harvey.....	W.	M.	68	Head of family.....	1			3
23			Evans, Sarah.....	W.	F.	39	Wife.....	1			
24	10	10	Murry, Howard, farmer.....	W.	M.	30	Head of family.....	1			1
25			Murry, Anna.....	W.	F.	22	Wife.....	1			
26			Murry, Annie.....	W.	F.	2	Daughter.....				
27	11	11	Gifford, John, farmer.....	W.	M.	39	Head of family.....	1			8
28			Gifford, Hannah.....	W.	F.	33	Wife.....	1			
29			Gifford, John.....	W.	M.	16	Son.....	1			
30			Gifford, Hattie.....	W.	F.	15	Daughter.....	1			
31			Gifford, Louisa.....	W.	F.	12	do.....				
32			Gifford, Fred.....	W.	M.	7	Son.....				
33			Gifford, Pearl.....	W.	F.	4	Daughter.....				
34	12	12	Ryan, Henry, farmer.....	W.	M.	65	Head of family.....			1	55
35	13	13	Searle, E. A., farmer.....	W.	M.	23	do.....	1			33
36			Searle, Jennie.....	W.	F.	21	Wife.....	1			
37	14	14	Adams, John, farmer.....	W.	M.	85	Head of family.....	1			3
38	15	15	Lumm, Sophia.....	W.	F.	24	do.....	1			
39	16	16	Roberts, Albert, farmer.....	W.	M.	30	do.....	1			1
40			Roberts, Mary.....	W.	F.	27	Wife.....	1			
41			Roberts, Jennie.....	W.	F.	8	Daughter.....				
42			Roberts, Sam.....	W.	M.	3	Son.....				
43	17	17	Simons, John, farmer.....	W.	M.	38	Head of family.....	1			2
44			Simons, Lillie.....	W.	F.	35	Wife.....	1			
45	18	18	Barnes, B. F., farmer.....	W.	M.	54	Head of family.....	1			15
46			Barnes, Mary.....	W.	F.	38	Wife.....	1			
47			Barnes, Charles H.....	W.	M.	12	Son.....				
48	19	19	Roberts, Valentine.....	W.	M.		Head of family.....				1
49	20	20	Jennings, Albert, sr.....	W.	M.		do.....				15
50	21	21	Jennings, Albert, jr.....	W.	M.		do.....				
											156

NOTE.—This report includes only such persons as were, upon June 1, 1885, residents of that portion of the above-described district described as follows: All of township 108, range 74, lying in Hughes County, Dakota.

## SUMMARY.

Number of inhabitants.....	50
Number of dwellings.....	21
Number of farms.....	21
Number of acres tilled.....	156

## RECAPITULATION OF HUGHES COUNTY.

Number of inhabitants.....	363
Number of dwellings.....	188
Number of farms.....	188
Number of acres of land tilled.....	568

## AGGREGATE.

Counties.	Number of inhabitants.	Number of dwellings.	Number farms.	Number of acres of land tilled.
Brulé.....	356	109	109	2, 212½
Buffalo.....	36	20	20	108
Hand.....				
Hyde.....	57	23	23	60
Hughes.....	363	188	188	568½
Totals.....	812	340	340	2, 949

## TERRITORY OF DAKOTA,

*County of Hughes, ss:*

Robt. B. Fisk, being first duly sworn according to law, says that the foregoing statistics, relating to the Crow Creek and Winnebago Indian Reservations, were compiled by him from the original census schedules in his office, as supervisor of census for South Dakota.

That he made the foregoing compilation at the request of the Hon. Benjamin Harrison, chairman of the sub-committee of the Senate Committee on Indian Affairs, and that he files the same as a part and parcel of his testimony, taken before said sub-committee at the Wells House, in the city of Pierre, Hughes County, Territory of Dakota, on or about July 15, 1885.

ROBT. B. FISK.

Subscribed and sworn to before me by Robt. B. Fisk, to me well known to be the person who subscribed the foregoing affidavit, this September 9, 1885.

J. HENRY WESTOVER,  
Notary Public.

## EXHIBIT I.

*To the President of the United States:*

SIR: The undersigned, in behalf of the settlers on the so-called "Old Winnebago and Crow Creek Reservations," in the Territory of Dakota, beg leave to submit the following statement:

This is done after a most thorough investigation of the subject, believing that all the facts in the case have not heretofore been fully apprehended or understood, and that, if the conclusions we draw therefrom are correct, the Chief Magistrate of the nation will not withhold adequate relief.

## STATEMENT.

At a council of Indians of different tribes, held at Fort Laramie in 1851, with this object among others, of promoting peace and amity among themselves, all that part of Dakota Territory lying east of the Missouri River and south of Medicine Knoll Creek was conceded to the Yankton Sioux (1047).

By a treaty concluded with the Yankton Sioux, at Washington, D. C., and proclaimed February 26, 1859, the Yankton ceded to the United States all their lands, excepting only their present reservation in Charles Mix County.

The description of their cession is as follows, to-wit:

Beginning at the mouth of the Tchan-kas-an-data or Calumet or Big Sioux River; thence up the Missouri River to the mouth of the Paha-wa-kan or East Medicine Knoll River; thence up said river to its head; thence in a direction to the head of the main fork of the Wan-dush-kah or Snake River; thence down said river to its junction with the Tchan-san-san or Jacques or James River; thence in a direct line to the northern point of Lake Kampeska; thence along the northern shore of said lake and its outlet to the junction of said outlet with the said Big Sioux River; thence down the Big Sioux River to its junction with the Missouri River. (See map, Exhibit A).

The so-called Old Winnebago and Crow Creek Reserve is included in this cession.

On the 26th of February, 1869, then, the title to this land passed to the United States.



The question then is, has this title since passed from the control of the United States; or, more particularly, has it passed either to the Two Kettle and Yanktonais bands of Indians or to the Sioux Nation at large?

On the 21st of February, 1863, an act was passed by Congress authorizing and directing the President, with the consent of the tribe, to remove the Winnebagoes from Minnesota to some place beyond the limits of any State, and locate them on lands equal in extent to their reduced reservation from which they were to be removed. (12 Stat., 658.)

On the 3d of March, 1863, an act was likewise passed authorizing and directing the President to remove the Indians since known as the Santee Sioux from their late reserve in Minnesota, and to locate them on a tract of land west of the limits of any State, sufficient in size to give each individual eighty acres of good agricultural land. (12 Stat., 819.)

Under direction of the Indian Office both tribes were so removed in April, 1863, by Clarke W. Thompson, then superintendent of Indian affairs for the northern superintendency. Before the 1st of May all had disembarked at a point near the mouth of Crow Creek, on the Missouri River.

On the 1st of July, 1863, Superintendent Thompson submitted a description of the proposed reservations, the lands at that time being unsurveyed. The proposed reservations were contiguous and of nearly equal extent. The Winnebagoes were assigned to the upper and the Sioux to the lower description, a common agency being built for them on the division line.

To make those reservations lawful, it was necessary that the location be approved by the Indian Office and then confirmed to the Indians by act of Congress or protected for them by an Executive order.

No steps of this kind were taken.

These proposed reservations were never confirmed to these Indians. This was not the result of negligence or oversight, but because both tribes refused to accept them.

On the 15th of July General Sully, who was then there, reports the Winnebagoes as dissatisfied and unwilling to accept this country as their home, and already making canoes to aid them in their flight.

On the 16th he reports a council with them, and recommends their removal to the Omahas and the dispersion of the Santees among kindred tribes, on account of the utter unfitness of the location. (Ind. Rep., 1863, p. 322.) In the report for 1864, page 411, we find a report of the agent on the same subject. On page 420 we find a strong protest made in behalf of the Sioux by Rev. Dr. Williamson, Rev. John P. Williamson, and other missionaries of the Presbyterian Church. On page 895 the agent reports 1,357 of the Winnebagoes already gone. In February of this year Bishop Whipple, with a delegation of Sioux, visited Washington to protest against the confirmation of this location. In 1865 the Winnebagoes are reported as all gone from the Crow Creek country.

The confirmation of these lands, then, in the case of both Winnebagoes and Sioux, was advisedly withheld and at their own request.

In 1866, through the intercession of General Sibly and other members of the peace commission of 1865 in their behalf, the Sioux were removed to a reservation in Nebraska. On page 34 of the Indian Report for that year they are reported as all removed.

This left the lands on the so-called Winnebago and Crow Creek Reserves in their original state, viz, ceded lands unclouded by Indian title and unencumbered by Indian occupancy.

Both the Winnebago and Santee being satisfied with their new locations, they were speedily confirmed to them.

On the 8th of March, 1865, the new Winnebago treaty was ratified (14 Stat., 611), and in it they go through the form, although this was not necessary, of receding their Dakota location to the United States.

On the 27th of February, 1866, the new Santee Reservation was approved by the Department and set apart for their use by Executive order. To show clearly that any recession of their Dakota location was deemed unnecessary, it is asserted that this location, and not that, is assigned, in fulfillment of the act of Congress of March 3, 1863. (*Supra.*)

In 1866 J. R. Hanson was the agent for all the Sioux frequenting the Upper Missouri River. In his report for that year, page 34, the Commissioner comments facetiously on the attempt of Agent Hanson to form a settlement of wild Sioux at Crow Creek, in face of the experience of the Winnebago and Santee.

In 1867, the Sioux being generally at war with the whites, a few came to Crow Creek for their annuities, but planted at the Galveston Agency, 100 miles below. The Government was doing nothing for Indians at Crow Creek, and the trader, having lost his business by the removal of the Santee, was endeavoring to draw Indians there by furnishing them seed corn and plowing their fields.

In the Indian Report for 1868, page 46, we find the Yanktonais included in a list of those to be removed to the new reservation provided by the Peace Commission.

On page 46 of the same report Agent Hanson, after full consultation with the Peace Commission, gives up his hopeless experiment, and recommends the utter abandonment of the building at Crow Creek. He says:

"It is from a strict sense of duty I feel I owe the Indian service that I am induced to recommend the abandonment of this place as an agency for these Indians.

"If that half of the Two Kettle band, now at Fort Sully and that half of the Yanktonais band now near Fort Rice could be induced to locate here, there is no more desirable place to maintain an agency but this cannot be done.

"Under these circumstances, taking into consideration their means, their scattered condition, and their future interest, I am forced to the conclusion that it is best for the Government and the Indian that this place be abandoned next spring as an agency for these Indians.

"It is probable that these Indians will select a location this fall on the west side of the Missouri River, so as to comply with the wishes of the Peace Commission."

Such, then, was the condition of affairs at the time of the meeting of the treaty commission at Fort Rice in July, 1868.

The negotiations were conducted by Generals Harney, Terry, and Sanborn, General Sanborn, in the absence of General Sherman, acting as chairman at all meetings. The other members of the commission were absent on similar duty in the Southwest.

The record of the commission has been preserved. An examination reveals the fact that no Indians asked to have any land reserved for them at or near Crow Creek. Their agent, as we have seen, had already asked that the location be abandoned.

General Sanborn, in his opening address, describes the new reserve west of the Missouri River repeatedly and without addition of any kind.

In his address of July 2, page 123, after describing the reservations west of the river, he further says:

"All Indians who have or hereafter shall abandon the chase and settle down permanently will do so in the country from which the whites are excluded west of the Missouri River, and not elsewhere.

"Several of the commissioners are in favor of extending the country for you, from which the whites shall be excluded, so as to include the Yankton Reservation and the James River country, now occupied by the Yanktonais.

"We shall do this if we can; and if we cannot, it is not possible that any commission can. Hence it is better for the Yanktonais and all the Indians east of the river to trust us. We shall do the best for you all that we can and all that is necessary to be done.

"We shall be prepared to feed you, &c., near Fort Randall. For all of these things we only ask of you to remain at peace, to settle down and commence farming in the country designated for your home when you abandon the chase, and surrender such land as no longer affords you any game."

As we have stated, General Sherman was not present at this conference. But he met the commission at Omaha before they came up the river, and on April 1 gave them his views in the following words:

"Before I go, inasmuch as two of the members of the commission are absent, and my opinion may have some practical bearing upon your operations, I want to state that I am more and more convinced by the experience of every day that our course last summer was wise and proper to this extent, namely: That all the Indians east of the Rocky Mountains should be gradually assembled in the two Territories that have been defined (one in Dakota and one in Southwest), and then subjected to such influences of a civil nature as will tend to induce them to become self-supporting, and which will lead to their ultimate civilization. I do not believe it can be done in a single year, but will take many years. Our actions should all bear to that ultimate conclusion. To this end we should induce, by every possible means, the removal of the Indians living outside of these limits, by their own free action, to one or the other of these Territories; but those who voluntarily reside outside these limits for temporary purposes, such as hunting, should at once pass under the control of the military authorities of this country. If I am present with the commission I would vote against giving any annuities or any farms of any kind to the Indians who reside beyond these limits, unless it were such temporary facility as will enable them, at a time very near at hand, to move to one or the other of these Territories." (Record Peace Com., p. 120.)

As we have seen (*supra*), General Sanborn had told the Indians, in the council of July 2, generally and pointedly: "All Indians who shall abandon the chase and settle down permanently will do so in the country from which the whites are excluded west of the Missouri River, and not elsewhere." The exclusion which had been suggested by some members of the commission was only to extend the intercourse laws and protect the hunting rights, as was done west of Black Hills, and was not intended to extend the reservation or the area for forming colonies; but this was never adopted by the commission.

To the general and sweeping proposition of General Sanborn two classes of objections arose:

1st. The Indians, already having made cession of their lands and thus already pro-

vided with suitable reservations, made objection to any interference with their vested rights. General Sherman advised some plan by which even these could be ultimately removed. These were represented by Strike-the-Ree of the Yanktons (see Sanborn's letter), by Wanaton, of the Devil's Lake Cut Heads, and by the Sissetons. (See Record of Peace Commission.) Wanaton's words were: "Many years ago, when we made treaties with the whites, we were told that our country was on the east side of the river." With these treaty reserves the commission could not justly interfere except with free consent of the Indians concerned. To save these, therefore, the clause "And in addition thereto all existing reservations on the east bank of said river" was added. The east bank not being intended to be exclusive as to location, but include all treaty Sioux living in Dakota and east of the Missouri River, it could not have included Old Winnebago, for, as we have seen, that was not a reservation, was in ceded land, was unoccupied by Indians, and the agent then present at the council recommended the abandonment of the buildings even, because the Indians could not be induced to come to them; also no Indians asked for this location. Moreover, no reservation could be made anew on ceded land by this commission without a clear description of metes and bounds, for the information of the Indians as well as Congress, who must pass upon it.

Second. The Yanktonnais (at that time there was no distinction between Upper and Lower, and even now the distinction is purely a fictitious one adopted by the whites in reference to present location) who call themselves Hunk-pa-ti, under the chief Two Bears, and the Two Kettles (Ohe-nonpa), under Long Mandan.

Two Bears asked for the country, not at or near Crow Creek, but at the headwaters of the James, 300 miles away. He was told by General Sanborn that it was probably impossible to grant his request. He said (p. 129): "Now I tell you one thing that I don't like. You are going to put all of the tribes together. I don't approve of it. I speak for the Yanktonnais band. Our country is over the river. We are Yanktonnais." At page 135 he gives his reason for his choice: "We are going to stay on the other side of the river. Perhaps some will cause trouble here and you will not know the cause of it." (He feared complications with the wilder Sioux.)

To this, page 137, General Sanborn replied: "We shut the whites out of this country west of the river, which will be your own."

The Yanktonnais were afterwards convinced by Father De Smidt, their spiritual adviser, by Mr. Galpin and others, that they were wrong, and were among the first to sign the treaty, and have since resided at Grand River and Standing Rock and elsewhere on the reserve west of the Missouri River.

The Two Kettles, under Long Mandan, objected that their plantation was on the east bank of the river opposite the mouth of the Cheyenne (not at Crow Creek, but 150 miles above, and they desired that country).

Afterward they also were convinced of their mistake, and on page 141 Mandan says: "I now change my mind and select the mouth of the Big Cheyenne to have all our farms. I want you to put it down in writing that I have selected the Big Cheyenne for our reservations; the two forks inclose the Black Hills."

So the claims of the Yanktonnais and Two Kettles, neither at Crow Creek, as alleged, were satisfactorily disposed of and they accepted the reservation west of the Missouri River.

Another objection was Wabashaw, the intelligent chief of the Santees. He desired that his executive reservation in Nebraska be confirmed to him by treaty.

He said: "For my part I will stay close to the whites and farm. Everything the commission say I like, for it is true. Even if the whites did not like me they could not drive me away" (138). To which General Sanborn replied (144): "The only objection to the Indian having this land is that the whites may lay claim to it, and it will be necessary for the Indians to pre-empt the land like the whites do, and then they will be on equal footing."

The discussion that followed between Father De Smidt, representing the James River Yanktonnais, General Sanborn, Wabashaw, and others is unfortunately not written out, but it ended in the adoption of substantially a new article to the treaty alluded to in General Sanborn's reply to Two Bears (136).

"The treaty provides that all male Indians over 18 years of age shall have the right to select a piece of ground for himself and hold it the same as the whites do their land, or as you do your horses."

This is the last section of Article 6 of the Treaty of 1868 (Exhibit C). This was drawn up and inserted at Fort Rice, to cover all outside rights and demands other than those already protected by existing treaties.

We call especial attention to this, as it elucidates fully the whole matter in dispute. It was a fair compromise, and *via media*, between the sterner views of General Sherman (supra), "I would vote against giving any annuities or any farms of any kind to the Indians who reside beyond the limits," and the exorbitant demands of the Indians, who asked that the whole of Dakota and Montana and parts of Nebraska and Wyoming be

made one vast unalterable Indian Reserve. It was a great step in advance of any previous Indian legislation, a boon long asked for by individual Indians and bands who desired to leave the common herd and reassert their independent manhood. Under its wise provisions the Santee in Nebraska and at Flandreau and Brown Earth, Dakota, the Dirt Lodges now at Crow Creek, and not far behind them the few Yanktonnais also there, have become either self-supporting, self-respecting men, or are already in sight of that goal, to reach which is the only possible salvation for the Indian.

It is from this stand, far in advance of barbarism, already near to enlightened civilization, that the mistaken friends of the Indian would thrust those at Crow Creek back, undoing the work of nearly twenty years, making them again reservation Indians, simply to gratify a heathen chief who is ambitious to reign under the old order of things, or perchance an agent who fears the diminution of his kingdom.

The rights of the Indians at Crow Creek, then, are such as are described in the sixth article of the treaty, and those alone.

In 1868 this was not a reservation. Agent Hanson's attempt to relocate it had failed and he gave up disheartened. His correspondence will show (Exhibit D) that at that time the land was covered with squatters who could not lawfully be removed. Rev. Mr. Williamson says (Exhibit E): "I went over the Crow Creek and Winné-bago Reservation (so called) in the summer of 1868, passing through Fort Thompson and camping out both above and below there on the east side of the river. Rev. Dr. Riggs was with me and some Santee Indians. It was the same year after the treaty of 1868 was made with the Indians on the river. There were no Indians living there or about Fort Thompson at that time. We saw none. The agency was entirely abandoned as an agency, except some one was there in charge of the buildings. I do not recollect who—simply in charge of the Government buildings. I speak the Sioux language fluently and I am familiar with the claims of the Sioux Indians as to their lands in Dakota at that time, nor previous to that time have I ever heard them claim that country as part of the Great Sioux Reserve or as Indian lands. A great many of the Santee died while at that place, I think about one-half of them, and all of the Sioux Indians had a dread of the location on that account. \* \* \* At the time I was through the reservation (so-called) in 1868; I was well aware that it was not considered an Indian Reservation by either Indians or whites." Major Hanson, in his letter, also speaks of this dread of the place which obtained among all the Indians at that time. He says (page 6): "All the Indians, both Two Kettles and Yanktonnais, seemed to hold an aversion to the place."

Moreover, in 1868 the north line of the public surveys had already reached Crow Creek, and under date of October 16, 1868, a contract was let for continuing the survey, and in November township 104, range 71, was surveyed.

A letter from Huron land office (attached) says: "All of township 104, ranges 69, 70, 71, were then public lands, and the contract was let by this office without instructions from the Interior Department, but simply with the approval of the General Land Office, as is usual in such cases. (See letter dated May 13, 1885, Exhibit E.)

A letter from the present Commissioner of the General Land Office, under date of May 11, that these townships were filed in the United States land office at Springfield, Dak., September 20, 1870, and remained there until a reservation was created by the Executive order of January 11, 1875, and were withdrawn by letter dated January 14, 1875. (Exhibit G.)

From 1866 to 1875 there was no reservation at Crow Creek, and then only by Executive order.

The records of all councils show that the Indians laid no sort of claim to the country, other than the right to select lands for farms under the protection of the Executive order of President Grant.

At the time of the order of President Grant, 16th of March, 1875, there were agricultural homestead settlements of Indians opposite Standing Rock, opposite the mouth of the Cheyenne, or Little Bend, at Peoria Bottom, and at Crow Creek. It was to protect these that it was issued. In 1878, the settlements at Standing Rock and Little Bend having been abandoned, and the Indians at Peoria having perfected their titles, the reservation was reduced by order of President Hayes, August 9, 1879, so as merely to cover the rights of the Indians at Crow Creek.

For want of other description the old lines of Thompson were followed—not citing them as covering a reservation, but excepting the lands circumscribed by them from the operation of the present order.

About this time the Executive reservation for the Dirt Lodges on the James River failing to protect them from intrusion, they were removed by the act of Congress and given 160 acres each inside the limits of the Executive reservations at Crow Creek, and other Indians were removed to locate them. This could not have taken place if the Crow Creek Indians had any collective title to the land.

In the report of the Treaty Commission of 1883, Governor Edmunds, an old settler in



Dakota, and former superintendent of Indian Affairs says (Senate Report No. 283, page 371):

"In accordance with your instructions we visited next the Crow Creek Agency, where, after holding a number of councils, an agreement was concluded and signed on the 26th of February, 1883. By this agreement a reservation of about 300,000 acres is set apart, which is ample for the 1,000 Indians who are to occupy it. They do not claim to hold this land by treaty, nor, in fact, by any valid title. They are, therefore, very willing to relinquish any interest which they may have in other lands as a consideration for the reservation secured to them by this agreement. They assent to the terms of the agreement recently concluded with the Sioux west of the Missouri River, and become a party to it, although they assert no claim to any part of the Great Sioux Reserve, and deny that they are in any way interested in the treaty of 1868. The lands reserved for these people include the farms which have been allotted to them in severalty, with a large surplus for grazing purposes and future allotments."

In the same report, page 114, Rev. Mr. Burt, a missionary resident, says he advised the signing of that treaty because it was well known their title to these lands was questionable, that the Indians knew it and were willing to give up all claim to the lands since opened by Executive order that they might establish a clear title to the rest. Beside their claims they asked some outlying lands for pasturage, &c.

The order of the 27th of February last respects these needs, and, as with that affecting the Santee in Nebraska, was carefully and wisely considered, and, as we think, we have demonstrated lawful and right.

General Sanborn, who conducted the negotiations, says: "The merits of the case of the settlers at this time is in the fact that it was designed at any time, either by the commission or any department of the Government, that the territory included in the Crow Creek Reserve should ever be made any part of a permanent Indian reservation, and I think it has never been treated as such since the treaty of 1868." (Exhibit F.)

General Sherman, though he was not present at the signing of the treaty at Fort Rice, has also been seen, and he refers us to the record as quoted above. Further it seems unnecessary to go.

As to the philanthropic aspect of the question, there are, it must be remembered, philanthropists other than the distinguished members of the Indian Rights Association. Friends tried and true to the Indian race, men who, abandoning the comforts of home and civilization and not counting their lives dear, have made their homes among the savages, and for almost two generations have been leading them on and up to a truer appreciation of the dignity of manhood. What do these men say? First, a man who towers above them all for the sincerity and singleness of purpose of his life, a man whose opinion on any subject connected with Indian affairs would at the West be deemed conclusive, the Rev. John P. Williamson, missionary of the Presbyterian Church, considers the opening of the Crow Creek Reserve a move in the right direction, and that the rights of the Indians have been fully protected.

Next to him, the Rev. Mr. Riggs, the head of the Congregational mission, of the largest private school establishment on the frontier, joins in the memorial given below asking consideration for these settlers, and says, "The Indians need not more land, but more missionaries."

The conference of Congregational ministers of South Dakota, in session at Sioux Falls last week, on the 29th had under discussion the question of the Crow Creek Reservation. Rev. W. R. Hubbard, pastor of the church at Chamberlain, in introducing resolutions, said that there is in this matter no opposition between the settlers and the Indians, but that thousands of acres which the Indians had never used and did not have any use for are all that had been taken by the white settlers, and that the best of feeling existed between the Indians and the settlers. Rev. A. L. Riggs, the Indian missionary, was present and addressed the conference on the question. He said that his position on the subject was fully expressed in the resolutions, since they had been prepared by himself. He urged that the great need of the Indians was not more land, but more missionaries. The resolutions were unanimously adopted. After a preamble stating the well-known facts regarding these settlers, the resolutions read:

"Resolved, That we hereby express our belief in the integrity and perfect good faith of the great majority of these settlers, and can testify to the exceeding great hardships and utter loss that will come to them if President Cleveland's order is executed evicting them from the homes they have established.

"Resolved, That while we earnestly sympathize with every true effort for the enlightenment and Christianization of the Indian, and are zealously interested in securing him his rights, yet we believe that these ends may be fully secured without ruthlessly driving off these settlers.

"Resolved, That we respectfully memorialize President Cleveland to suspend the execution of his order until Congress can make some equitable settlement of this vexed question in such way that the rights and interests of the Indian may be pro-



ted and the inconceivable damage and loss be averted from a multitude of innocent white settlers.

"Resolved, That we urge upon the Eastern friends of the Indian that they be more careful as to what reports they indorse and circulate, inasmuch as misrepresentations are circulated to needlessly exasperate the people upon whom they reflect, and whose good will and co-operation are essential to the attainment of the best results."

Bishop Hare also has written asking consideration and protection for these settlers.

From the above statement we draw the following conclusions:

(a) That from the time of the Yankton treaty in 1859 until the executive order of President Grant there was no reservation at Crow Creek, the title to said land being in the United States.

(b) That from 1869 to 1875 the surveyed portions of this tract were carried on the books of the Land Office as open to settlement.

(c) That Indians settling there have done so under authority of article 6 of the treaty of 1868.

(d) That it is a reservation by Executive order only, and may therefore be lawfully reduced by such order.

(e) That missionaries and other friends of the Indians at the West believe the order of February 27 to be lawful and made in the best interest of Indian civilization.

Mr. President, in view of all these facts, which we have carefully gathered, and which we believe to be approved not only by the makers of the treaty of 1868, but by all others who have knowledge of Indian affairs at the West, we respectfully ask that the execution of your order be suspended until the meeting of Congress or until all these matters can be inquired into. It will give no stronger title to their lands than they now have, and will enable them to watch over and care for their property until this question can be fairly settled.

All those who were squatters have long since gone away. We who remain have our all invested in our improvements and homes, and cannot leave without great hardship and absolute ruin.

Believing that the facts above presented will clear the whole subject of doubt and ambiguity, and confident that we have deduced the right conclusion from these facts, viz, that Crow Creek, being an executive reservation, only could be lawfully opened by executive order, we present them to you for your consideration and judgment.

We had no part in urging the opening of this reserve. We do not raise the question of the timeliness or expediency of it, but simply consider that having been lawfully opened, as we were advised by public notice, we should not be made to suffer loss.

And we will ever pray.

In behalf of the Settler's Association, very respectfully, your obedient servant,

I, John P. Williamson, missionary of the Presbyterian Church, residing at Yankton Agency, Dakota, 49 years of age, for 25 years a missionary among the Sioux Indians, coming from Montana to Dakota, do state that I came to Dakota with the Santee Indians in 1863. They were brought from there by Col. Clark W. Thompson, on a general order of the Commissioner of Indian Affairs, with instructions to settle or locate on any unoccupied Government land in Dakota anywhere on the Missouri River above Sioux City—no other limits or bounds. Col. Clark W. Thompson selected the place where Fort Thompson now stands, and these Santee Indians resided there three years, and would not stay there longer, and in April, 1866, they were moved to their present location in Nebraska, near Niobrara, and I went with them. No other Indians took their places at or near Fort Thompson or Crow Creek, at that time nor for some years. The Winnebagoes, who were just above Fort Thompson, and who were supplied from the same agency, moved away the year before, 1865, and when the Santees left the agency at Fort Thompson (or Crow Creek, as it is sometimes called, although above Crow Creek several miles) it was abandoned as an agency.

I went up over the Crow Creek and Winnebago Reservation (now so called) in the summer of 1868, passing through Fort Thompson and camping out both above and below there, on the east side of the river. Rev. Dr. Riggs was with me, and some Santee Indians. It was the same year and after the Sioux treaty of 1868 was made with the Indians on the river. There were no Indians living there or about Fort Thompson at that time at all; we saw none. The agency was entirely abandoned as an agency, except some one was there, I do not recollect who, simply in charge of the Government buildings.

The Indians that are there now did not come there until 1869; the exact date I cannot state. I speak the Sioux language fluently, and I am familiar with the claims of the Sioux Indians as to their lands in Dakota, and at that time nor prior to that have I ever heard them claim that country as a part of the Great Sioux Reservation, or as

Indian lands. A great many of the Santees died while at that place, I think about one-fourth, and all the Sioux Indians had a dread of the location, on that account, all of which I know of my own personal knowledge.

Witness my hand, after carefully dictating and reading the above and foregoing:

JOHN P. WILLIAMSON,  
Missionary, Yankton Agency.

Witness:

JOHN H. KING,  
Chamberlain, Dak.

At the time I was through the reservation (so called) at Crow Creek, in 1868, I was well aware that it was not considered an Indian reservation by either Indians or whites.

JOHN P. WILLIAMSON.

S. D. HINMAN, Esq.,  
Saint Paul, Minn.:

YANKTON, DAK., May 4, 1885.

DEAR SIR: I have yours 30th April, and have delayed my answer a few days hoping that by dwelling upon the subject my memory might be refreshed. To your question did I, "at the time of the Fort Rice treaty, for the Government, for yourself, or for any band or tribe of Indians, ask that the old Santee and Winnebago Reserve be reinstated and protected by the treaty," I answer as follows: If you mean by "reinstated" restored to Indian title, then I answer no. But my recollection is that I did ask General Sanborn to have some clause added to the treaty, if possible, which would tend to strengthen my position at the Crow Creek Agency, and enable me to better enforce the general laws of intercourse with the various tribes of Indians. I did not believe the lands in question to be at that time Indian lands, and General Sanborn I was quite sure had grave doubts upon this point. I had talked the matter over with him and told him some of the difficulties I had encountered in my efforts to enforce these laws. When I first took charge of the agency I found quite a number of whites located upon the lands without authority, and they insisted upon their right to remain, claiming the lands to be not Indian lands. I submitted the question to the Department at Washington, and the point was evaded. I think I did this several times with the same result. This was *prima facie* evidence to me that there was "something rotten in Denmark," and helped confirm suspicions, already pretty well founded, that the lands were not properly Indian lands. Finding myself in this peculiar position—much like a king without a kingdom—will indicate to you why I should have laid the case before the Treaty Commission, conditions and circumstance leading naturally to this. My recollection now is that General Sanborn told me that if the lands were not Indian lands the Commission could not make them such, and that the article in the treaty of 1868, to which you refer, and claimed by "Welch and Hare and our Philadelphia friends" as intended to confirm these lands to the Indians, was either inserted to enable the agent at Crow Creek to make a better show of authority, or, the article being already in the treaty for the purpose of covering other reserves on this side the Missouri River, it was deemed sufficient to convey all the power the Board had in the premises. When I am reminded, upon reflection, how difficult it was to induce any of the Indians under my charge to follow me from their unceded lands down to these in question and remain there, and of their oft-repeated declarations concerning the boundaries of the lands they claimed as their own lying above the Yankton cession, where they expected some time to have an agency established and built for themselves, I am quite sure I did not ask to have the lands within the old Santee and Winnebago reserves confirmed to these Indians, for I was well aware that they did not want them.

At the time of the Fort Rice treaty about one-half the Indians stopping at the Crow Creek Agency were members of the Two Kettle Band. This band of Indians are Tetons, and any man familiar with the history of the Sioux Nation will tell you that the Tetons never claimed a foot of land on the east side of the Missouri River, and could never be induced under any pretext to take up a permanent residence on this side. It is not likely that these Indians would have accepted a home at Crow Creek Agency. The balance of the Indians at the agency were members of the Lower Yanktonais band. The Yanktons, who ceded the part of Dakota from the Big Sioux to East Medicine Knoll River and north, belong to this family. The whole territory of Dakota east of the Missouri River had been, long years before, divided up among these Indians, the Yanktons ceding (in 1858, I think) that portion allotted to them by mutual agreement among the Indians themselves. The Yanktonais at the Crow Creek Agency in 1868 claimed the country from East Medicine Knoll River westward and north, and had often expressed to me a desire to have an agency built for themselves in their own country, as the Yanktons had. They clung with

great pertinacity to the hereditary notion that they were entitled to the honor of distinctive treaty stipulations. Therefore, it is not probable that these Indians should have asked for themselves to have the lands embraced in the two reserves given them for a reservation. All the Indians, both the Two Kettles and Lower Yanktonais, then located there, seemed to hold great aversion for the place, and it was only through the unconquerable influence of provisions that I was able to hold them there. It does not appear probable to me now that the Commission of '68 would have consented (if they had the power to do it) to set aside these lands as a permanent reservation for this mere fraction of the great Yanktonais band. I understood it to be the intention of the treaty to put all of the nine bands of Sioux upon the west side of the Missouri River. At Crow Creek Agency, in 1868, not one-fifth of this band was represented—a mere offshoot segregated from the main portion because of jealousy existing between the chiefs Two Bears, at or near Fort Ries, and Bone Necklace, at Crow Creek Agency. There were absolutely no other Indians who could inhabit these lands. It was well known that the Two Kettles would not, and quite as well understood that the few Cut Heads at Fort Totten would not, and the Sisseton and Wahpetons were already provided for and protected by the treaty. I believe that when General Sanborn reflects upon the condition of affairs existing at the time of the treaty he will agree with me that it was not the intention of the his Treaty Commission to make a permanent Indian reservation out of these lands. If you "search the record" I think you will find that the lands within the two reserves have not been Indian lands since their cession by the Yanktons, except so far as the several Executive orders may have tended to make them such. 'Something was wrong about the old location of the Santees and Winnebagoes, something that should have been done was left undone, and I think you may be wrong about the Santees and Winnebagoes having "ceded back the Crow Creek Reserve to the United States." I think no such cession was ever made, simply because they had nothing to cede. I may, however, be wrong upon this point.

In conclusion you will permit me to say, I would not knowingly injure this people. I lived among them very pleasantly, so far as the Indians are concerned, for four years, and started them on their present road to prosperity, and I feel a deep interest in their welfare. They do not need the lands that have been thrown open to settlement. They are much better off without them. Six months ago they didn't want them, and, if they had been let alone by the false sentimentalists from abroad, they would still want white neighbors, instead of wild vacant miles. The Executive order of President Arthur is in the best interest of the Indians. It is sense without sentiment, while that of President Cleveland, as the document itself indicates, is sentiment without sense.

I am, very truly, your friend,

J. R. HANSON.

Please remember me to General Sanborn.

SAINT PAUL, MINN., May 7, 1885.

Rev. S. B. HINMAN :

DEAR SIR: In response to your request to me to give you my best recollections of the purpose and meaning of the Indian Commission of 1868 in including the Indian reservations on the east bank of the Missouri River in the Sioux Reservation described and set apart by the treaty north of Nebraska, I can state positively that it was the purpose to extend the conditions and provisions of the treaty to the Yankton Indians and their reservation. This was done at the request of those Indians, urgently made through their old chief, Strike-the-Tree, and other chiefs. I am quite as clear in my recollection that it was the purpose of the Commission to extend the trade and intercourse laws over what was considered to be and what was then known as the Crow Creek Indian Reservation, not with the view of its permanent occupancy by the Sioux Nation, but with the view of establishing thoroughly the authority of the United States Indian Agent over that Territory and thereby to prevent the sale of liquors to the Indians and the contact which seemed to exist there between the whites and the Indians, which, from the statement of Major Hanson, the then agent, was detrimental to both races and exceedingly annoying and troublesome to him.

I have carefully read the letter of Major Hanson to you of date the 4th instant which you have obtained from him at my request, and it has greatly refreshed my recollection in regard to what transpired concerning this Crow Creek Reservation. I stated to you before you wrote to him, that if you could get his recollections of the matter that I thought I could state the whole object of the Commission, for the reason that all that was done concerning this reservation was done at his request, and for him. It is true that the instructions to the Commission from the President of the United States were, among other things, to set off a general reservation for the Sioux Nation west of the Missouri River. It is generally known by persons ordinarily well informed, that this river had divided the Sioux Nation into two grand divisions from

time immemorial; the Sisseton division being all Sioux inhabiting east of the river, and Tetons inhabiting all the west of the river. The Two Kettle Band, as I recollect, was a sub-band of the Brulé Sioux inhabiting west of the Missouri, and had no legal rights on the Crow Creek Reservation, either as against the United States or the Sisseton Sioux, but were there simply by permission of the agent. The request of the agent to the Commission was in substance that he might be clothed with such authority in and over that reservation as an agent is clothed with by law in the Indian country. This the Commission did or attempted to do after informing Major Hanson that by doing so they were going beyond the letter of their instructions and powers, and that the Senate in ratifying the treaty might with propriety exclude that provision.

The merit of the case of the settlers at this time is in the fact that it was not designed at any time either by the Commission or any Department of the Government that the territory included in the Crow Creek Reservation should ever be made any part of a permanent Indian reservation, and I think it has not been treated as such since the treaty of 1868. I am, however, clear that it was the purpose of the Commission to extend the trade and intercourse laws over it as far as it was in their power so to do, and that this was done at the request of the Indian agent then stationed and doing the Government business upon that reservation.

It is clear that the interests of the whites and the Indians would both be promoted by opening this so-called reservation to sale and occupation by the whites; whether it can be done by Executive order or must be done under the circumstances by treaty should make no difference in the practical result, as the Government has power to proceed either way that the circumstances and the law require.

Respectfully, yours,

JOHN B. SANBORN,  
*Late Indian Commissioner.*

CHAMBERLAIN, DAK., April 25, 1885.

SURVEYOR-GENERAL,  
*Huron, Dak.:*

DEAR SIR: Will you please inform me the date contract was made to survey township 104, range 71; also date the plats were transmitted to the local and general land offices?

Also if you have letters of instruction from the Interior Department ordering the survey made of these lands or any of the lands, including in what is known as "Crow Creek Reservation," I would like a certified copy of the same.

Please send bill of charges for the same and I will remit.

Respectfully,

J. T. STEARNS.

UNITED STATES SURVEYOR-GENERAL'S OFFICE, DISTRICT OF DAKOTA,  
*Huron, May 1, 1885.*

J. T. STEARNS, Esq.,  
*Chamberlain, Dak.:*

SIR: In reply to your letter of April 25 to this office you are informed that township 104, range 71, was subdivided by S. H. Marrow in November, 1868, under contract dated October 16, 1868. All of township 104, ranges 69, 70, and 71, were then public lands and the contract was let by this office without instructions from the Interior Department, but simply with the approval of the General Land Office, as is usual in such cases.

Subsequently, that is after that portion of said townships north of American Creek was included in the reserve, said creek was meandered by consent of the General Land Office through township 104, range 71. This was done in 1880 by T. F. Marshall, under contract of December 3, 1879, and again extended up the creek about three years ago through township 104, range 70, and township 104, range 69.

All the balance of the reservations was surveyed under Department contract dated October 2, 1874, and the only record this office has of the same is the copies of the original plats and field notes.

Respectfully,

C. H. CAMERON,  
*Chief Clerk.*



CHAMBERLAIN, DAK., April 25, 1885.

Hon. COMMISSIONER UNITED STATES LAND OFFICE,

*Washington, D. C. :*

DEAR SIR: Will you please inform me of the date that the plats for entry of township 104, range 71, was sent to Vermillion or Springfield land office of Dakota.

Also the date at which the lands north of American Creek in township 104, range 71, were withdrawn from settlement at the Springfield land office, and oblige,

Very respectfully,

J. T. STEARNS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

*Washington, D. C., May 11, 1885.*

J. T. STEARNS, Esq.,

*Chamberlain, Dak. :*

SIR: In reply to the inquiries in your letter of the 25th ultimo, I have to state that the plat of fractional township 104 north, range 71 west, 5th principal meridian, Dakota, was filed in the United States land office at Springfield, Dak., September 20, 1870.

The said fractional township was reserved by the President's order of January 11, 1875, and the local land officers at Springfield, Dak., were notified of the reservation by letter from this office dated January 14, 1875.

Very respectfully,

WM. A. J. SPARKS,

*Commissioner.*

Hon. BENJAMIN HARRISON,

*Chairman of the Committee on Indian Affairs :*

SIR: That tract of country commonly known as the Crows' Reservation was set aside by the Congress of the United States in the year 1863 for the use and benefit of the Crow tribe of Indians. It lies in Southeastern Montana, and its boundaries may be defined as follows:

Beginning at the point on the Yellowstone River crossed by the 107th meridian of longitude west from Greenwich; thence following the south shore of the Yellowstone River up to the mouth of Boulder Creek to a point 3 miles east of where the 110th meridian of longitude crosses the Yellowstone; thence southerly up Big Boulder Creek to the point upon the East Fork of same crossed by the 110th meridian of longitude and about 16 miles from the mouth of Boulder; thence due south 25 miles along the 110th meridian to the base of the Snow Mountains; thence due east 44 miles; thence due south 20 miles to a point situated on the north boundary line of the Territory of Wyoming; thence due east along the boundary line between Montana and Wyoming to where the 10th meridian of longitude west from Greenwich crosses that line; thence due north along the 107th meridian to place of beginning.

The magnificent region thus outlined is 300 miles in length from east to west and averages 42 miles in width from north to south, therefore containing 7,364 square miles, or 4,713,000 acres.

Reference is herewith called to Executive orders from Washington City, dated October 20, 1875, and March 8, 1876, and the act of Congress July 10, 1830.

The lands included in this vast territory may be classified and apportioned approximately as follows: One-eighth arable (with irrigation), one-fourth timbered, one-eighth mineral, one-half pastoral.

The Boulder, Clark's Fork, Rosebud, Rock Creek, Prior Creek, Big Horn, Little Horn, and Pompey's Pillar Creek flow through it from south to north, perennial mountain streams, from each of which sufficient water can be taken at comparatively slight cost to irrigate the contiguous areas of agricultural lands.

The intermediate elevated plateaux are everywhere richly clothed with that peculiar variety of steppe vegetation known in the local parlance as "bunch-grass," which, throughout the northern mountain districts of the continent, has been demonstrated to be of inestimable value in the profitable conduct of the live-stock industry. At the sources of the streams which water the district are large bodies of merchantable timber, principally of pine, cottonwood and ash, sufficient for all possible future local wants. Limestone and coal abound throughout, and satisfactory evidence is at hand to indicate the existence of extensive deposits of the more important metals, particularly in the western portion bordering upon the Boulder, New World, and other now well-known mining districts.

Extensive fields of superior bituminous coal have been discovered on Rock Creek, samples of which have at different times been thoroughly tested both for domestic and manufacturing purposes, with most satisfactory results. The Crow Indians, the



putative occupants of this splendid domain, number, according to the official census of 1880, something over 3,000, but estimates made by parties whose intimate relations with the tribe enable them to speak with authority place the entire number at less than 2,300 souls. During 1885 these Indians were removed to the eastern borders of their reservation and there granted lands in severalty, which, however, are occupied by but a few of their number, the remainder still continuing to roam about the country at large, depredating the ranges and the settlements. It is stated by the members of the Yellowstone Roundup Association that an average of one beef animal per day is killed upon the Yellowstone range alone by marauding bands of savages belonging to the various tribes of Eastern Montana. The country included within this magnificent reserve contains all the elements necessary for the support of the varied industries of modern civilization and for the maintenance of a population of 100,000 souls.

The principle of withholding this magnificent tract from the public domain is a wrong to the Indian and an injustice to the white race.

At present it yields to its possessors no single tithe of revenue; it is almost utterly destitute of game, and it retards the civilization of the Indian by tending to unsettle and discontent him, affording as it does a wide field over which he may idly wander, and thus perpetuate the nomadic habits of his ancestors.

Its broad areas of agricultural and pastoral lands, now an unoccupied and forbidding solitude, would, if in the hands of a progressive and intelligent people, soon become a source of great and prolific wealth to the Nation.

It is impossible for the savage who holds it to occupy one-twentieth part of its area for any purpose whatever, and it is a fact that a larger part of its southern and western portions are never even seen by the Indians.

The increasing needs of western growth and advancement demand every acre of the soil available, and there is no shadow of excuse for further delay in the correction of an abuse which is patent to every mind.

Secretary Teller, in his last report to Congress, said:

"Since my last report the Indians have been located on the Big Horn. This reservation is much larger than is required for their support. The reservation is situated in Montana, and contains 7,364 square miles, or 4,713,000 acres of land.

"At least 3,000,000 acres might be disposed of, leaving the Indians sufficient agricultural lands to become self-supporting, if they desire to become agriculturists, and a sufficient amount of grazing-lands, should they prefer to become stock-raisers.

"The 1,713,000 acres of land that would be left would give nearly, if not quite, 600 acres of land to each individual member of their tribes.

"The number of Crows has been estimated at 3,500; but it is quite certain that the number is much less, and probably not over 2,500 or 3,000. A portion of the money realized by such sale should at once be invested in a herd for the tribes, and cared for by the Government until such time as the Indians shall be prepared to accept and care for their stock themselves.

"The proceeds of the surplus lands, properly used, would make the Crows self-supporting in a few years at the farthest."

Respectfully submitted.

A. H. HERSEY,  
Billings, Mont.

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